

An  
Bord  
Pleanála

Board Order  
ABP-315819-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0914.**

**Appeal** by Jackie and Mike Murphy care of Armstrong Planning Limited of 12 Clarinda Park North, Dún Laoghaire, County Dublin against the decision made on the 23<sup>rd</sup> day of January, 2023 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

**Proposed Development:** Construction of a detached two-storey five-bed dwelling with photovoltaic panels on the roof of the south elevation and a new on-site wastewater treatment system, together with the provision of a new vehicular entrance and driveway, landscaping and all associated site development works, all at Old Rathmichael, Shankill, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the zoning objective for the area, to the design, layout and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area would not lead to the creation of a traffic hazard or obstruction of road users and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of any works on site, the applicant shall submit documentation for the written agreement of the planning authority showing compliance with Table 6.2 of the "Environmental Protection Agency Code of Practice - Domestic Waste Water Treatment Systems – (Population Equivalent  $\leq 10$ )", published by the Environmental Protection Agency in March 2021 in relation to the position of the proposed wastewater treatment system proposed (tertiary treatment system and infiltration/treatment area relative to those of neighbouring properties).

**Reason:** In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interest of visual amenity.
  
4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interests of residential and visual amenity.
  
5. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional cases where prior written approval has been received from the planning authority.  
**Reason:** In order to safeguard the amenities of property in the vicinity.
  
6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.  
**Reason:** In the interests of visual and residential amenity.
  
7. Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  
**Reason:** In the interests of public health and surface water management.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

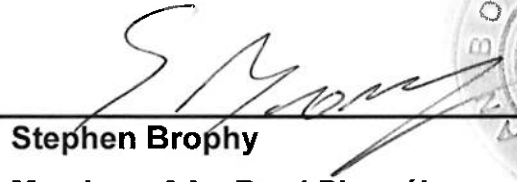
**Reason:** In the interest of public health.

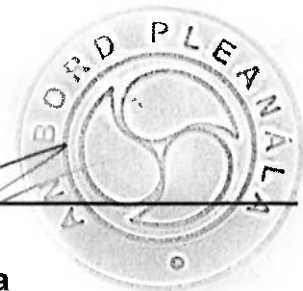
9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
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**Stephen Brophy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 29<sup>th</sup> day of February 2024.