



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0286

Appeal by Margaret and Feichín McDonagh care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 24th day of January, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Eve Flynn care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) The construction of a two-storey, four-bedroom, detached dwelling to the north-east of Kilmore House; (b) provision of a new vehicular entrance to the site from Kilmore Avenue; (c) on-site parking for two cars; and (d) all associated works including, landscaping (including tree protection measures), planting and boundary treatments, infrastructure, lighting, foul/surface drainage, site works, necessary to facilitate the development at Kilmore House, Kilmore Avenue, Killiney, County Dublin, (a Protected Structure).

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 residential land use zoning of the site; the nature, scale and design of the proposed development; and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 including policies relating to development within an Architectural Conservation Area (ACA) and within the grounds / curtilage of a Protected Structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character and visual amenity of the Killiney ACA, would not contravene Specific Local Objective 130 and would not seriously injure the visual or residential amenities of the area or property in the vicinity. The proposed development 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, lodged with the application, as amended by further information received on 19th day of December 2022, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

3. The glazing within the north elevation, at first floor level, including the window serving bedroom three, shall be manufactured opaque or frosted glass and shall be permanently maintained, or an alternative design approach, to be agreed in writing with the planning authority, to prevent the overlooking onto the adjoining property to the north. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of adjoining residential amenity.

4. The following shall be strictly adhered to in the proposed development:

- (a) The flat roof areas shall be accessed for maintenance purposes only.
- (b) The proposed vehicular entrance gates shall be of an open railing bar type (not backed with solid panels/sheeting/planks), or solid timber with a natural hardwood finish.

Reason: In the interests of residential amenities and visual amenity.

5. The disposal of surface water shall be in accordance with the requirements of the planning authority as follows:

- (a) The surface water runoff generated by the proposed development shall not be discharged to the public sewer but shall be infiltrated locally to the specifically designed permeable paving in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, as indicated in the application.
- (b) The proposed green roof shall be designed, installed and maintained in accordance with BS EN 12056-3:2000 and The SUDS Manual (CIRIA C753).

- (c) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e., permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

Reason: In the interest of public health.

6. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

7. A construction management plan shall be submitted for the agreement of the planning authority to include detailed arrangements relating to the following;

- (a) All necessary measures shall be taken by the developer to avoid conflict between construction traffic/activities and traffic/road users, particularly, pedestrians, during construction works.

- (b) The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of public safety, and the proper planning and sustainable development of the area.

8. Existing trees and hedges on site shall be retained and protected in accordance with 'Tree, Hedgerow and Vegetation Survey, Assessment, Management and Protection Measures, Report (Austen Associates), lodged as Further Information on the 19th day of December 2022.

Reason: In the interests of amenities, visual harmony and the proper planning and sustainable development of the area.

9. The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

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.



Joe Boland

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

Dated this *20TH* day of *March* 2024