

An
Bord
Pleanála

Board Order
ABP-316423-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0815.

Appeal by Ceire O'Rourke care of Brazil Associates Architects of The Studio, Maple Avenue, Stillorgan, County Dublin against the decision made on the 27th day of March, 2023 by Dún Laoghaire-Rathdown County Council I to refuse permission for the proposed development.

Proposed Development: Demolition of existing single storey bungalow, 50% of existing semi-detached single storey garage to front of The Shottery and site clearance to allow for construction of a three storey house (693 square metres) with integral carport, new vehicular entrance and pedestrian gates to forecourt, new front stone boundary wall and hedging to Kilmore Avenue, landscaping to front, side and rear gardens, including provision of outdoor kitchen/dining space, garden store (13.5 square metres), new drainage layout, PV Solar panels to the roof and all associated site and boundary works at The Shottery, Kilmore Avenue, Killiney, County 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 residential zoning of the site; the nature, scale and design of the proposed development, and to the provisions of the Dún Loaghaire- Rathdown County Development Plan 2022-2028, including provisions relating to the demolition of existing house development and new development within Architectural Conservation Area's (ACA's), it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character or visual amenity of the Killiney ACA, would not contravene Specific Local Objective 130 which seeks to ensure that development within this objective area does not significantly detract from the character of the area, or the objective to protect and preserve trees and woodlands both on and adjacent to the site, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would provide appropriate provision of drainage, would provide satisfactory access for pedestrians, construction and residential traffic and would not be prejudicial to public health. 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 and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 6th day of March 2023 and further information submitted to An Bord Pleanála on the 24th of April 2023, 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. Details of materials, colours and textures of all external finishes to the proposed development including the screens and obscure glazing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3.
 - (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
 - (b) The developer shall maintain a photographic record of the existing surface water drainage system as it is inspected during demolition/construction, and upon completion of the surface water drainage system, including the proposed attenuation system, details shall be submitted to the planning authority for its records, of the size, depth, capacity and gradient of the pipes, the location and

depths of manholes and whether the existing pipe network has been used or new pipes have been installed.

Reason: In the interest of public health and safety and to ensure a record exists of works carried out.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and broadband) shall be located underground.

Reason: In the interest of visual and residential amenity.

6. The demolition of the existing dwelling and construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The plan shall provide inter alia: details and location of proposed construction compound, details of intended construction practice for the development, including hours of working, noise management measures, dust and vibration management measures, construction traffic logistics, parking, mobility and access during the construction phase for workers, emergency vehicles and occupants of adjacent residential and commercial premises, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interest of public safety and residential amenity.

7. 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. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to the commencement of development. All records, including for waste and all resources, pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 10 The site shall be landscaped in accordance with a landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall include details of trees and hedging to be protected during construction including the means of protection, and details of any trees or new hedging to be planted, which will be planted in the first planting season following completion of the development and details of any proposed fencing, if any, to be installed around the perimeter of the site. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual and residential amenity.

11. 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.

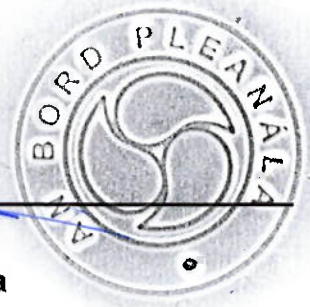
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.


Liam Bergin

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



Dated this 14th day of October 2024.