



An  
Bord  
Pleanála

## Board Order ABP-317315-23

### Planning and Development Acts 2000 to 2022

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

**Planning Register Reference Number:** D23A/0200

**Appeal** by Alan and Hilary Nash care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 18<sup>th</sup> day of May, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Balquis Fatima Bari care of Cathal O'Neill and Company of 33 Pembroke Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of an existing detached garage and garden shed. Relocation of existing gateway to a new position 8.2 metres east of current location. Construction of two number detached three-storey (two-storey with set-back penthouse/attic) five-bedroom houses of 326 square metres and 366 square metres with green roof and photovoltaic panels. Construction of two number private garages of 17 square metres each and two number garden sheds of six square metres each. Provision of bin and bicycle storage. Associated boundary treatment, drainage, and hard and soft landscaping works, all adjacent to 12 Brennanstown Vale, 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 provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the zoning of the site for residential purposes, the design, layout and density of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, the developer shall submit a final site layout plan and further annotated plans, elevations and sections at a scale of 1:50 for the written agreement of the planning authority, that shall provide details of all above and below ground works to be carried out to facilitate the closure of the existing vehicular access and the construction of the new vehicular access, which shall be a maximum of four metres in width, including details of gates and pillars, services relocation, as well as kerbs, grass verges and footpaths.

**Reason:** In the interest of traffic and pedestrian safety and to ensure a proper standard of development.

3. The proposed bike storage shall include 'Sheffield' bike stands as detailed in the Standards for Cycle Parking and Associated Cycling Facilities for New Developments (Dun Laoghaire-Rathdown County Council January 2018).

**Reason:** In the interest of orderly development.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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 interest of public health and surface water management.

6. 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.

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

**Reason:** In the interest of visual and residential amenity.

8. The construction of the proposed development shall be managed in accordance with a Construction and Demolition 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 proposed development, including noise management measures, traffic management, off-site disposal of construction/demolition waste and details of all works proposed to be carried out in proximity to the Luas line.

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

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 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 hedging to be protected during construction, details of the means of protection of hedging and any trees or new hedging to be planted, which shall be planted in the first planting season following completion of the development. 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. Prior to commencement of development works on site, the developer shall undertake a bat survey by a competent qualified person or consultancy to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment. Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on site. Should the presence of bats be established on site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. 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.



15. The developer shall pay to the planning authority a financial contribution of €54,102.84 (fifty-four thousand, one hundred and two euros and eighty-four cents) in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



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Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 05<sup>th</sup> day of September 2024.