

An
Bord
Pleanála

Board Order

ABP-317329-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0136

Appeal by Margaret Shannon care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 17th day of May, 2023 by Dún Laoghaire-Rathdown County Council to grant permission subject to conditions to Therese Langan and Jean Kane care of Cubetechnure Design Limited, of 11 Glen Grove, Cabinteely, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: New two-storey house with an attic bedroom and a shared entrance, through the existing entrance, to the existing house, minor modifications to the existing house comprising the demolition of the lobby to the side entrance, closing up the window to the master bedroom and providing a new dormer window to the master bedroom all at 9 Bellevue Avenue, Glenageary, 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 pattern of development in the area and its residential zoning under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the standards for the development of corner/side gardens set out in Section 12.3.7.5 of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity, would not lead to overbearance or a loss of openness, would be acceptable in terms of pedestrian and traffic safety and would otherwise constitute an acceptable scale and form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on file, including the submissions by third parties, observers and the reports of the planning authority. On the issue of the building line, the Board noted that the proposed development would front onto Bellevue Avenue and while the site constitutes a corner site which turns into Sion Road, noted that the proposed dwelling is some 15 metres distance from number 1 Sion Road and on this basis (similar to the assessment of the planning authority) determined that the positioning of the proposed dwelling forward of the Sion Road building line is acceptable in this instance. The Board also noted that corner sites, in practice, can be shown to successfully accommodate an additional dwelling even where the building line of the side street, in this instance Sion Road, is not matched. On the issue of scale, form and overbearance, the Board determined that the proposed dwelling, whilst higher than that of the host dwelling and of some other dwellings in the vicinity, could be reasonably absorbed into the character of the area without leading to overbearance or without compromising the openness of the area. In reaching its conclusion, the Board noted the comprehensive assessment of the proposed dwelling by the planning authority in its planning officer's report, by reference to Section 12.3.7.5 of the development plan. The Board shared the views of the planning authority expressed therein and concluded that the proposed development would not be inconsistent with Section 12.3.7.5 and would otherwise be



in accordance with the proper planning and sustainable development of the area. For these reasons the Board determined that the recommendation of the Inspector should be overturned.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day 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.

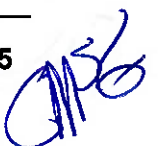
Reason: In the interest of clarity.

2. Details of 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.

3. The width of the individual new vehicular entrances shall each be a maximum of 3.5 metres. Any works to the existing gate or front boundary wall shall include dishing and strengthening at the developers own expense and shall be agreed in writing with the planning authority prior to commencement of development. Any new or replaced boundary walls to the front of the existing dwelling and of the dwelling herein permitted, shall be a maximum of 1.1 metres in height.

Reason: In the interest of orderly development.



4. The two proposed entrances off Sion Road, shall be for pedestrian use only, shall be separated by a wall, and shall act as two separate entrances. Gates at this location shall not swing outward onto the public footpath.

Reason: In the interest of orderly development and pedestrian safety.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.


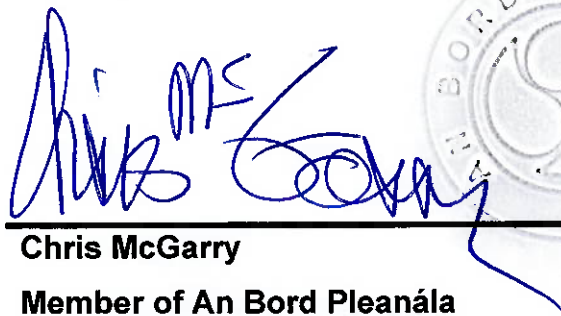
Reason: In the interest of public health and surface water management.

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

Reason: In the interest of public health.

9. 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.



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

Dated this 20th day of March 2024