

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D23A/0206

Appeal by Patrick Lombard and others care of 31 Avondale Crescent, Killiney, County Dublin against the decision made on the 22nd day of March, 2023 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Sarah Walsh and Alan Cormack care of My House Architect of The Studio, 65 Greenville Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing side extension (circa 18.8 square metres gross external area) and the erection of one number two-storey four bedroom detached dwelling house circa 172 square metres net internal area approximately (circa 211 square metres gross external area approx) to include new vehicle access, car parking, new service and drainage connections and other associated site works on site comprising 0.0439 hectares (circa 439 square metres) at side of existing house; all at 35 Avondale Road, 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 condition(s) set out below.

Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective for the area, the accessible location of the development site proximate to high frequency public transport and the objectives and policies of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 for infill houses on corner/side garden sites, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with Section 12.3.7.5 (Corner/Side Garden Sites), Section 12.3.7.7 (Infill housing) and Policy Objective PHP19 of the Dun Laoghaire-Rathdown Development Plan 2022-2028, would provide a reasonable level of residential amenity, would not seriously injure the residential amenities of the area and would 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 commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

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

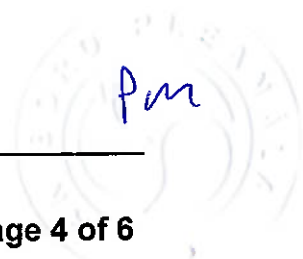
Reason: In the interest of visual amenity.

5. The developer shall adhere to the following six recommendations of the planning authority as set out in the report dated 17th day of May, 2023, received from the Transport Planning section of the planning authority:

- (a) the width of the proposed new vehicular entrance shall be a maximum of 3.5 metres and the footpath, including any grass verge, in front of the vehicular entrance shall be dished and strengthened at the applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and planning authority. With regards to the dishing and strengthening of the

footpath, including any grass verge, in front of the vehicular entrance, the applicant shall contact the road maintenance and control section to ascertain the required specifications for such works and any required permits,

- (b) the proposed new vehicular entrance concrete apron shall curve away from Avondale Road to meet Avondale Park at 90 degrees, or as close as practicable,
- (c) the boundary hedges/vegetation shall be maintained below a maximum height of 1.2 metres for a minimum of 1.5 metres on both sides of the proposed new vehicular entrance to ensure adequate visibility from exiting vehicles to pedestrians walking on the adjacent footpath,
- (d) the new driveway/parking/hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS), that is, permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the Dun Laoghaire-Rathdown 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 onto the public road or footpath on road safety grounds,



- (e) all necessary measures shall be taken by the applicant and contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on the public road/footpath, during construction works, and
- (f) the applicant shall prevent any mud, dirt, debris or building material being parried 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 orderly development.

- 6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 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 residential amenities of property in the vicinity.

- 7. 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.




Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *27th* day of *October*, 2023.