



An
Bord
Pleanála

Board Order ABP-317457-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0001

Appeal by Derek O'Leary care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin and by Leigh and Amy Connaughton care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 7th day of June, 2023 by Dun Laoghaire-Rathdown County Council to refuse permission to Leigh and Amy Connaughton for the proposed development.

Proposed Development: Permission for (i) construction of two number two-storey five bedroom detached dwellings, each with rooflights and canopies to the rear of the existing dwellings Glenarm and Ardens, (ii) provision of two number on site new vehicular parking spaces per each proposed dwelling, (iii) alteration to as granted vehicular entrance off Torquay road granted under planning register reference number D19A/1026, (iv) new access road on the site of Ardens to serve the new proposed dwellings, and (v) landscaping works, boundary treatments, drainage works and all associated works necessary to facilitate the development all at Ardens and Glenarm (Protected Structures), Torquay Road, Foxrock, Dublin. The proposed development was revised by a further public notice received by the planning authority on the 12th day of May, 2023.

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Dated: **Secretary** *em*

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 scale and nature of the application site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the provisions of the Dun Laoghaire-Rathdown Development Plan 2022-2028 including the residential zoning objective pertaining to the site, would not adversely affect the character of protected structures in the vicinity of the site, would be generally acceptable in terms of design and traffic safety and would not seriously injure residential and visual amenity. 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 the further plans and particulars received by the planning authority on the 12th day of May 2023 and by the further plans and particulars received by An Bord Pleanála on the 4th day of July, 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.

An amendment to this
Board Order has been made
Dated 21/07/2023
Signed: Secretary
EMJ.

2. The timber entrance gates to Torquay Road shall be removed and the entrance shall remain open. Details of the entrance and the delineation of the three individual site boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the traffic safety.

3. An acceptable naming/numbering for house numbers 1 and 2, in both Irish and English shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. In this regard, the use of house names reflecting local place names or local history would be acceptable.

Reason: In the interest of orderly development.

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

Reason: In the interest of visual amenity.

5. The proposed dwellings House A and House B shall be individually used as single dwelling units only and shall not be sub-divided in any manner or individually used as two or more separate habitable units.

Reason: To prevent unauthorised development.

6. Prior to commencement of development, the developer shall enter into a waste or wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

An amendment to this
Board Order has been made

Dated 29/07/2021

Signed: Secretary

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

8. The construction of the development shall be managed in accordance with a Construction 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 development, including noise management measures and off-site disposal of construction/demolition waste.

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

9. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

An amendment to this
Board Order has been made

Dated 21/07/2021

Signed: Secretary

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10. All service cables for the development, including electrical and telecommunications and communal television cables, shall be located underground. Ducting shall be provided by the developer to facilitates the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

11. The four car parking spaces serving the residential units (two number per unit) shall be provided with functional electric connections to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. Any alteration to the public road or footpath shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developers' expense.

Reason: In the interest of clarity, public safety and amenity.

An amendment to this
Board Order has been made

Dated 29/07/2021

Signed: Secretary

13. 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 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.

14. The developer shall pay to the planning authority a financial contribution a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Construction 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

An amendment to this
Board Order has been made

Dated 29/07/2024

Signed: Secretary

15. The developer shall pay to the planning authority a financial contribution of 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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

Dated this 12th day of June 2024

An amendment to this
Board Order has been made

Dated 29/07/2024

Signed: Secretary 