

An
Bord
Pleanála

Board Order
ABP-317465-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D23A/0064

Appeal by Cian Ó'Colmain of 15 Booterstown Avenue, Blackrock, County Dublin and by others against the decision made on the 6th day of June, 2023 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Alan Kirwan and Sharon Daly care of O'Carroll O'Riordan Architects of 1 Fortfield Terrace, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of number 11 Booterstown Avenue, outbuildings and associated walls and two-storey rear return and outbuildings of number 13C Booterstown Avenue. Refurbishment of the existing buildings at numbers 13A, 13B and 13C Booterstown Avenue including removal of shop fronts, installation of new windows, etc. and construction of a two-storey rear return extension to number 13C. Change of use of numbers 13A, 13B and 13C Booterstown Avenue from three shop units with living accommodation over to one number one bedroom apartment (69.3 square metres) and one number two bedroom apartment (84.1 square metres), accessed from the original Gibbs doorway at Booterstown Avenue and from Grotto Avenue. Construction of one number partly two-storey and partly single storey three

bedroom mews house to the rear of the site (129.3 square metres) with pedestrian access from Booterstown Avenue and Grotto Avenue. Ancillary site works, drainage, cycle parking and landscaping as necessary to facilitate the development; all at 11, 13A, 13B and 13C Booterstown Avenue, Booterstown, 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 land use zoning objective A for the area as set out in the Dun Laoghaire County Development Plan 2022 - 2028, the provisions of the Development Plan, and the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not significantly detract from the character of the surrounding areas or the neighbouring protected structures and would comply with the provisions of the Development Plan. 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 submitted to the planning authority on

the 11th day of May, 2023, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed laneway from the site to Grotto Avenue to the west shall be omitted in its entirety. Prior to the commencement of development, a revised site layout plan, which clearly shows the omission of the laneway, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

3. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 the interest of public health and to ensure a proper standard of development.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Part 1 of Schedule 2 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

8. All works to the existing premises on site shall be carried out under the professional supervision of an accredited conservation architect who shall certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In the interest of orderly development.

9. 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, pedestrian safety measures and off-site disposal of construction/demolition waste.

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

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

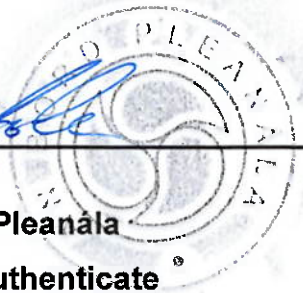
Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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.

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

Dated this *7th* day of *May* 2024.