

An
Bord
Pleanála

Board Order
ABP-317751-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0345

Appeal by John Dinn and Mary Kenny of 12 Castle Park, Monkstown, County Dublin against the decision made on the 13th day of July, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Anna Gillman and Eric McGrath care of Design Impressions of Hayfield House, Knocklyon Road, Templeogue, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached two-storey three-bedroom house with the provision of new vehicular and pedestrian entrances, an extension to the existing railing over the perimeter boundary wall and all ancillary works necessary to facilitate the development in the side garden, all at 10 Castle Park, Monkstown, 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, the residential zoning objective relating to the site under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the standards for the development of corner/side garden sites 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 development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of design, traffic safety and amenity. The proposed development 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory replacement provision shall not be carried out within the development site without a prior grant of planning permission.

Reason: In the interest of residential amenity and to ensure that a reasonable amount of private open space is provided for the occupants of the proposed dwelling.

3. 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.

4. The width of the new vehicular entrance shall be a maximum of 3.5 metres. Any works to the existing gate or front boundary wall shall include dishing and strengthening at the developer's 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 dwelling hereby permitted shall be a maximum of 1.1 metres in height.

Reason: In the interest of orderly development.

5. Drainage arrangements, including surface water collection and disposal, 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.

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. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

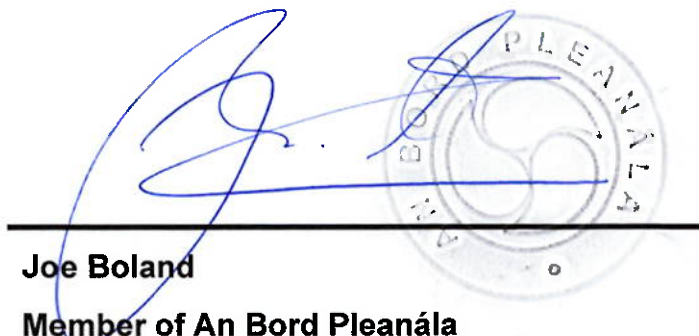
Reason: In the interest of visual and residential amenity.

9. The construction of the proposed development shall be managed in accordance with a Construction and Environmental 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 and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

10. 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 the 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.



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

Dated this *9TH* day of *May* 2024.