



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0484

Appeal by Conor McCabe care of Manahan Planners, Town Planning Consultants of 38 Dawson Street, Dublin against the decision made on the 6th day of September, 2023 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: (a) The construction of a two-storey, part three-storey detached house on land previously approved as amenity open space under Dún Laoghaire-Rathdown County Council Planning Register Reference 451/90 (34.5 square metres in extent) and (b) the creation of a replacement area of amenity open space (21.5 square metres in extent) which when added to one car parking space proposed to be transferred will have a total area of 35.5 square metres within the Corrig Court development on land previously designated as commercial car parking. The dwelling is to be one-bedroom with private open space terrace to east side of top floor. At roof level, rooflight over stair, green roof and solar panels located on flat roof section. Works to include re-location of existing water main on private access road (1 Corrig Avenue and Corrig Court, subject land in ownership of applicant), new connections to public water main, public sewer, rainwater harvesting and public utilities. All associated site and service connections works, and site

clearance works to include re-instatement of existing private road pathway, where necessary at (a) Site bounded by Anglesea Lane, Corrig Avenue and entrance drive into Corrig Court and (b) further site within the grounds of Corrig Court, Corrig Avenue, Dun Laoghaire, 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 residential land use zoning of the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, its proximity to the town centre of Dún Laoghaire, the existing pattern of development in the area, and the nature and scale of the development for which permission is sought including the proposed positioning of the reconfigured open space for the existing established units, 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 of property in the vicinity and would offer a good level of amenity for future residents.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed that the optimum location for an area of additional public open space comparable to the size of parcel A is as presented under the current proposals, that is, proximate to the majority of existing residences and capable of maximum passive surveillance. In examining the planning history of the site, the Board noted that the previous refusal reasons did not relate to overbearance, being out of character with the prevailing architectural context or being forward of the building line and disagreed with the Inspector that the proposed development should be refused for these reasons.

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. The developer shall submit to, and agree in writing with the planning authority, a detailed layout drawing for the proposed area of public open space as set out in computer generated image on page 3 of the of the appeal letter dated the 30th day of September 2023.

Reason: In the interest of clarity.

3. 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.

4. A naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering.

5. 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 the 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.

6. 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.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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.



Joe Boland

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

Dated this

19th

day of

July

2024