

An
Bord
Pleanála

Board Order ABP-318444-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0400

Appeal by Paul Kehoe and Jocelyn Stephens Kehoe of 5 Abbey Park, Monkstown, County Dublin and by others against the decision made on the 23rd day of October, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to CCPM Properties Limited care of Studio DSQ of First Floor, Tower 3, Umbrally Court, Fumbally Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of two new two-storey dwellings with attic levels within the side garden of the existing house. Dwelling number 1 is proposed to be a three-bed house with a dormer window in the attic-level to the rear and Dwelling number 2 is proposed as a four-bed house with a dormer window in the attic-level to the rear. The development will also consist of the provision of two off-street car-parking spaces for each house and the construction of new vehicular entrances to the existing house and dwelling number 2, along with all associated site works; all at 4 Abbey Park, Monkstown, County Dublin as amended by the revised public notice received by the planning authority on the 27th day of September, 2023.

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 proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the residential zoning objective A as set out in the Dun Laoghaire-Rath down Development Plan 2022-2028, would be generally acceptable in terms of design, would be acceptable in terms of traffic safety and convenience 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 submitted to the planning authority on the 27th day of September, 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.

For the avoidance of doubt this permission does not permit anything illustrated on the plans and particulars in respect of the existing house number 4 Abbey Park that was not identified in the statutory notices for this scheme.

Reason: In the interest of clarity.

2. The external finishes of the proposed houses (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture unless otherwise indicated on the plans submitted.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public safety.

4. 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.

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 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. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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 sustainable waste management.

7. 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.

8. 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.

9. 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.

10. 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed with the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

12. 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.



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

Dated this 13th day of May 2024