



An
Bord
Pleanála

Board Order ABP-319149-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0765

Appeal by Conor Costigan and Shirley Brennan care of BPS Planning and Development Consultants of Ballinatone Lower, Greenan, Rathdrum, County Wicklow against the decision made on the 2nd day of February, 2024 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Donal and Jade Cronin care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Subdivision of the residential property and the construction of a new detached 2.5-storey four-bedroom dwelling (271 square metres/ 2,917 square feet) with two number parking spaces. A new vehicular/pedestrian access along the western Eaton Brae boundary will provide access to the existing dwelling, all at Green Trees, 11 Eaton Brae, Shankill, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars for the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential zoning objective, the site layout and design of the existing property relative to adjoining properties, the accessibility of the site located adjacent to Shankhill DART station, the policy framework, including brownfield/infill site development provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the requirements of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a reasonable standard of accommodation on site, would not have a significant adverse impact on the existing residential amenities of adjoining properties, and 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority revised drawings providing for the following modifications:

(a) The first-floor en-suite window opening in the north elevation shall have obscure or opaque glazing.

(b) The two first-floor window openings in the south elevation shall have obscure or opaque glazing.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to 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. Water supply and drainage arrangements, including the attenuation and 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 surface water management.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. The developer shall adhere to the recommendations of the Transportation Department of the planning authority.

Reason: In the interest of road safety and in the interest of orderly development.

7. 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 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 amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the arboriculture report prepared by Larkin Landscape and Design dated March 2024.

Reason: In the interest of residential amenity and in order to protect biodiversity.

9. 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.




Liam Bergin

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

Dated this 24th day of September 2024.