



An
Bord
Pleanála

Board Order ABP-319372-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0009

Appeal by Sean McKenna and Na Huang We of 42 Beaumont Avenue, Churchtown, Dublin against the decision made on the 29th day of February, 2024 by Dun Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Demolition of existing storage shed (circa 130 square metres gross external area) and the erection of one number two-storey two-bedroom dwellinghouse circa 143 square metres nett internal area approximately (circa 178 square metres gross external area approximately) to include new vehicle access, car parking, new service and drainage connections and other associated site works, all on a site comprising 0.0193 hectares (circa 193 square metres) at rear of 42 Beaumont Avenue, Churchtown, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature of the proposed development, the existing access to the site, the zoning of the site for residential development, the design and layout, and the proposed drainage measures, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally acceptable and in accordance with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the Quality Housing for Sustainable Communities, Best Practice Guidelines (2007) and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). 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. The proposed bathroom window facing the first-floor balcony shall be glazed with opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass shall not be permitted.

Reason: In the interest of residential amenity.

3. The proposed relocation of the telegraph pole from the front of the site shall be clearly outlined in revised drawings, supported by a letter of consent from the relevant competent authority approving the relocation of the telegraph pole, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

4. The use of the rooftop area for private amenity purposes shall not be permitted.

Reason: In the interest of residential amenity.

5. The entire unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity.

6. The in-curtilage car parking space serving the proposed development shall be provided with an electric connection to the exterior of the house to allow for the provision of a future electric vehicle charging point. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

11. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board



Dated this *26th* day of *February*, 2025.