

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0154

Appeal by Áine-Maire Ní hAodha of 17 Taney Avenue, Goatstown, Dublin against the decision made on the 3rd day of May, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Joseph Beirne care of Furey Consulting Engineers Limited of Olde World Cottage, Rathaskar, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) The construction of a three-storey detached dwelling, (b) the demolition of the existing semi-detached garage, (c) increasing the width of the existing driveway and (d) the provision of a new driveway for the existing dwelling, including all landscaping and all associated site and development works and services at 19 Taney Avenue, Goatstown, 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 zoning objective relating to the site as set out in the current development plan for the area and to the nature and extent of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or the environment 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 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. Details of the proposed boundary treatment to the rear between the subject and parent dwelling shall be no more than two metres in height, details of the proposed boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

3. Prior to the commencement of development on site, the developer shall submit for the written agreement of the planning authority, revised drawings and details which demonstrate that the proposed vehicular entrance shall be no more than four metres in width, and not located any closer to the junction with Farmhill Park than the existing vehicular entrance.

Reason: In the interests of public safety and orderly development, and the proper planning and sustainable development of the area.

4. (a) The developer shall preserve/retain the existing verge trees adjacent to the proposed widened vehicular entrance (and north boundary) to 19A Taney Avenue, Goatstown, or alternatively shall provide replacement semi-mature tree(s) in the immediate vicinity of the existing verge tree(s) adjacent to the proposed widened vehicular entrance (and to north side boundary if relevant) at the developer's own expense, with the new tree type, maturity and location to be agreed with the planning authority, and all to the satisfaction of the planning authority. With regards to the new tree, the developer shall contact the planning authority to ascertain the required specifications for such works and any required permits.
- (b) The developer is to ensure the protection of the existing street tree(s) to be retained through the installation of suitable tree protection fencing in order to protect the existing trees during the construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing shall be in accordance with BS: 5837 - 2012. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas.

Reason: To secure the protection of the tree(s) adjacent to the site and in the interests of amenity and the proper planning and sustainable development of the area.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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: To prevent flooding and in the interest of sustainable drainage.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) 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.

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. Prior to commencement of works, 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 development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

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.

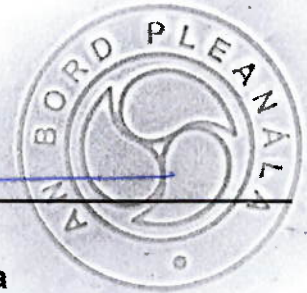
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Paul Caprani

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 05th day of February 2025.