



An
Bord
Pleanála

Board Order
ABP-319907-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0008

Appeal by Mount Merrion Residents Association (MMRA) care of Armstrong Planning Limited of 12 Clarinda Park North, Dún Laoghaire, County Dublin and by Xuepeng Duan and Yarui Zhao care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 21st day of May, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Chalkhill Developments Limited care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing shed at 44A North Avenue (72.8 square metres) and the development of three houses on the 0.1 hectare site (GFA 684 square metres) as follows: one ground floor over basement (two double bedrooms) dwelling with green roof on the site of 44A North Avenue, private amenity space to the side of the dwelling and one car parking space, a pair of semi-detached two-storey plus dormer dwellings (four double bedroom and study/home office) on the site to the rear of number 38 and number 38A Greenfield Road, each with private amenity space to the rear of the dwellings and two car parking spaces per unit and all associated site

development works including a new access road from North Avenue parallel to the existing row, boundary fencing, foul and surface water drainage, bicycle and bin storage and associated landscaping on lands to the rear of number 38 and number 38A Greenfield Road and (formerly part of the side and rear of number 38 Greenfield Road, A94 W2R6) and 44A North Avenue (A94 V9W3), Mount Merrion, Blackrock, County Dublin, located adjacent to a vehicular right of way at North Avenue, Stllorgan, Blackrock, 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 location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including Policy Objectives PHP 19, PHP 20 , HER 21 and GIB6, the Compact Settlement Guidelines 2024 and the 'A' zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development would be acceptable. The Board considers that the proposed development represents a good design response, would be in compliance with local design guidance and would not seriously injure the visual or residential amenity of the area. 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 received by the planning authority on the 25th day of April 2024, 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. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, all details of external materials and finishes including revision of rear elevations of house numbers 44B and 44C to omit any development, other than roof lights, on the rear slope of the roof above eaves level including the omission of the proposed dormer windows.

Reason: In the interests of architectural harmony and residential amenity.

3. The roof of house number 44A shall only be accessible for maintenance purposes and it shall not be used as a roof terrace or open space amenity area.

Reason: In the interest of the residential amenity of adjoining dwellings.

4. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a naming and numbering scheme for the proposed development.

Reason: In the interests of proper planning and residential amenity

5. All mitigation measures outlined in the Site-Specific Flood Risk Assessment lodged with the application shall be implemented in full, or otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. The landscaping scheme lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of April, 2024 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. The access arrangements and works to the public footpath 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 of the access arrangements and works to the public footpath for the written agreement of the planning authority. This shall include:

- (a) Omission of boundaries between the right of way and the new access road to facilitate a turning area for users of the right of way.

Reason: In the interest of traffic safety.

8. The attenuation and 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: In the interest of public health.

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

Reason: In the interests of public safety and amenity.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

11. The developer shall pay to the planning authority a financial contribution of €68,288.93 (sixty eight thousand, two hundred and eighty eight euro and ninety three cent) 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.

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 13th day of December 2024.