



An  
Bord  
Pleanála

**Board Order**  
**ABP-321124-24**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0489**

**Appeal** by Mary Gilligan and Tony Kirwan care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin and by Nigel Brennan and Gavan Neary care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 13<sup>th</sup> day of October, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Stephen and Brigitta Lannen care of OC Architects and Design of 67 Ranelagh Village, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of (i) the subdivision of the existing site into two separate sites, (ii) construction of a two-storey, three-bedroom, detached infill dwelling with rooflights, to the rear of the site; (iii) formation of a new vehicular entrance on Charleville across the existing grass/planted verge; (iv) existing trees and hedges along existing grass/planted verge adjacent to the north boundary wall to be removed and replacement trees and hedges planted in revised positions; (v) two number on-curtilage car parking spaces and (vi) private amenity space, boundary treatment, landscaping, SuDS drainage and all ancillary works necessary to facilitate the development, all at Glenholme, 115 Churchtown Road Lower,

Churchtown, Dublin, as amended by the further public notices received by the planning authority on the 20<sup>th</sup> day of September, 2022.

## **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 nature, scale and design of the proposed development, the location of the site in an established suburban area and the current development plan support for infill development in such areas (Policy PHP19) it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the amenities of residential property in the vicinity by reason of overlooking, overshadowing or access to daylight/sunlight, would not adversely impact on the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

In relation to the dispute over the ownership of the landscaped strip along the southern side of the Charleville access road, part of which is within the application site red line boundary, the Board, having regard to section 34(13) of the Planning and Development Act 2000, as amended, and the guidance at section 5.13 of the 'Development Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in June 2007, determined that the dispute was not grounds for a refusal of permission, the planning consent process is not designed as a mechanism for resolving disputes about title to land, these are ultimately matters for resolution in the Courts.

## 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 20<sup>th</sup> day of September 2022, 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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Details of the proposed removal of trees, hedging and grass from the landscaped strip along the site frontage and replacement planting shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interests of visual and residential amenity.

4. The new vehicular entrance shall be a maximum width of 3.9 metres. The new concrete apron and dished kerb shall be constructed at the applicant's expense and to the specifications of the planning authority. Details of specifications and required permits for any movement of utilities, should such be necessary, shall be obtained from the planning authority and agreed in writing, prior to the commencement of the development.

**Reason:** In the interest of traffic safety and to ensure a proper standard of development.

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

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

6. 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 and the construction of the driveway and parking/hardstanding area for the written agreement of the planning authority.

**Reason:** In the interest of achieving a sustainable disposal of surface water.

7. The developer shall prevent any mud, dirt, debris or other building material from being carried onto or placed on the public road as a result of the construction works and shall repair any damage to the public road arising from the works.

**Reason:** In the interests of traffic safety and amenity.

8. The developer shall take all necessary measures to avoid conflict between construction traffic and activities and other road users, including pedestrians.

**Reason:** In the interests of traffic and pedestrian safety.

9. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

10. 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.



11. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of replacement tree and hedge planting which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

**Note:** This grant of planning permission is subject to the provision of section 34(13) of the Planning and Development Act 2000, as amended.



**Tom Rabbette**

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



Dated this 24<sup>th</sup> day of APRIL 2025.