



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0775

Appeal by John Slyne and Aoife O'Shea of 1 Burdett Avenue, Sandycove, County Dublin and by Anthony and Maureen Kerr and Edward MCGoohan care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 8th day of February, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Mark and Derval Fitzgerald care of Jones and Kelly of 20 Summerhill Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Construction of one bedroom first floor residential unit over part of the existing ground floor commercial units, with a floor area of 61.5 square metres and an overall height of 7.6 metres with two number roof lights to the mansard roof on the north elevation and two number rooflights to the flat roof, a private open space of 9.9 square metres to the west side, with pedestrian access from the ground floor, (b) elevational alterations to the front (street) elevation with new signage to front façade over commercial unit number 2, and (c) part change of use of eight square metres of commercial to residential at ground floor level to allow access to new first

floor residential unit. Development on site previously granted permission D18A/0028 ABP 301313-18, located within the original curtilage of Burdett House, 1 Burdett Avenue, Sandycove (a Protected Structure), at 52 Sandycove Road, Sandycove, 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 nature of the proposed development, its form, scale and design, its separation from adjoining residential properties and protected structures, the constraints of the site and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023), the Architectural Heritage Protection Guidelines for Planning Authorities (2011), and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The proposed development would not adversely affect the character or setting of neighbouring protected structures (Burdett House, Virginia and Ballygihen Lodge) and would not seriously injure the amenities of the area or of property in the vicinity. 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. The proposed development shall be amended as follows:
 - (a) Provision of no less than two number secure internal cycle parking spaces within the ground floor area.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of cycle parking and residential amenity.

3. The entire unit shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the existing ground floor unit.

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

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

6. Prior to 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 30th day of January 2025.