



An
Bord
Pleanála

Board Order ABP-319648-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0005

Appeal by Ruairi O'Flynn and Susan O'Flynn care of BPS Planning and Development Consultants of P. O. Box 13658, Dublin and by Others against the decision made on the 16th day of April, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Johnny Ross Murphy care of Fergus Flanagan Architects of 58 George's Street Upper, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Subdivision of existing site, (2) construction of a new two-storey dwellinghouse with a flat roof, (3) new vehicle entrances for existing and proposed houses, (4) minor amendments to the front and side elevation of the existing dwelling house, (5) amendments to front boundary wall/fence, new foul and storm drainage connections for the proposed new dwelling and all ancillary site works at 6 Chinook, Knock-Na-Cree Grove, Dalkey, 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 design, scale and nature of the proposed development and 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 the 'A' zoning objective for the area and Policy Objectives PHP 18 (Residential Density) PHP 19 (Existing Housing Stock) and HER 8 (Work to Protected Structures), it is considered that, subject to compliance with the conditions set out below, the proposed development provides an acceptable design, would not seriously injure the visual or residential amenity of the area or any protected structure, and would not give rise to a traffic hazard. 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 20th day of March 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. The 'living green wall' shall be fixed and maintained permanently on the eastern elevation in accordance with the plans and particulars submitted.

Reason: In the interest of architectural interest and sustainable development.

3. The width of each vehicular entrance shall be no more than 3.5 metres.

Reason: In the interest of traffic and public safety and orderly development.

4. 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 to and agree in writing with the planning authority details of the access arrangements and works to the public footpath.

Reason: In the interest of traffic safety.

5. Prior to commencement of development details of all boundary treatment and landscaping shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

7. Prior to the commencement of development the developer shall enter into connection agreements with Uisce Éireann 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.

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to

construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, complaints management procedures, public liaison and project roles and responsibilities.

Reason: In the interest of environmental protection.

9. 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.

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.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

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

Dated this 11 day of February 2025