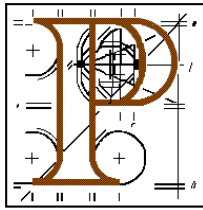


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4200/15

An Bord Pleanála Reference Number: PL 29S.246280

APPEAL by Michael Doyle care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 12th day of February, 2016 by Dublin City Council to grant subject to conditions a permission to Dermot Daly care of TAKA Architects of 33-34 Vicar Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing two-storey detached dwelling and boundary walls to Percy Lane and construction of two number three-storey with half basement, semi-detached, three-bed houses with rear garden terraces at first floor and flat roofs with flat rooflights at second floor. Development contains one number semi-covered off-street parking space and one number cycle space per dwelling, exiting at street level onto Percy lane. Development extends the site boundary on the south-east corner to the extent of the freehold title, at 19 Percy Lane, Ballsbridge, 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Dublin City Development Plan 2011–2017 and the planning history of Percy Lane, it is considered that, subject to compliance with the conditions set out below, the proposed redevelopment of the site to provide two dwellinghouses in a residential conservation area would be permissible in principle and the innovative design of these dwellinghouses would ensure the differing streetscape contexts of the site are respected and would not seriously injure the visual amenity of the area. The proposed development would be compatible with the existing residential amenities of the area, while affording a satisfactory standard of amenity to future occupiers. The Z2 zoning objective for the site would be fulfilled. Proposed access and off-street parking arrangements would be acceptable. The site is not at risk of flooding. 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 An Bord Pleanála on the 8th day of April 2016, 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. (a) The proposed development shall be amended to include an opaque glass screen as shown on letter lodged by the applicant on the 8th day of April 2016, which shall be sited in the terrace planting box that abuts the north western boundary of the site. This screen shall be installed prior to the commencement of occupation of the northern dwellinghouse and, thereafter, it shall be retained insitu.
- (b) The window to the dining room on the first floor of the northern house shall be reduced to no more than 1,500 millimetres in width.

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

Reason: In order to safeguard residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Details of the species of tree and the species and numbers of plants to be planted, variously, in the semi-covered outdoor parking court and the first floor roof terrace to each dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any trees and 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 order to screen the roof terraces and in the interest of residential amenity.

5. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

10. The developer shall pay to the planning authority a financial contribution of €14,428 (fourteen thousand, four hundred, and twenty-eight euro) 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 the 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. The application of any indexation required by this condition 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.

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.

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

Dated this day of 2016.