



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3316/19

Appeal by Mark and Nikki Kane of 3 Saint Agnes Terrace, Lower Dodder Road, Rathfarnham, Dublin against the decision made on the 18th day of November, 2019 by Dublin City Council to grant subject to conditions a permission to Padraig and Ciara Corrigan care of James Grennan of The Complex, 21-25 Arran Street East, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to the existing dwellinghouse, demolition of the existing single storey detached garage and construction of a new three-storey detached dwelling to the south side of the existing dwelling house and associated site development works including construction of a retaining wall. The alterations to the existing dwelling will include blocking up of four number windows to the south elevation, removal of cast concrete stepped access to the front and side of the dwelling, works to Rathfarnham Road boundary wall to widen the existing vehicular entrance and to create a new vehicular entrance and driveway, and construction of new stepped access to the existing dwelling. All at 122 Rathfarnham Road, Terenure, 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 Z1 zoning objective pertaining to the site, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not be prejudicial to public health or surrounding ecology and would be acceptable in terms of traffic safety and convenience. 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 submitted on the 22nd day of October, 2019, 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 the 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 external finishes to the proposed dwelling including colours, materials and textures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The developer shall comply with the following requirements of the planning authority:
 - (a) Prior to commencement of development, and on the appointment of the main contractor, a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management measures, noise management measures and off-site disposal of construction/demolition waste.
 - (b) Driveway entrances shall not have outward opening gates.
 - (c) The footpath and kerb to the front of the new entrance shall be dished in accordance with the requirements of the planning authority.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: In the interest of traffic safety.

4. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

5. The developer shall enter into water and/or wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

6. The development shall be carried out in accordance with the lighting plan submitted as part of the additional information to the planning authority.

Reason: In the interest of amenity.

7. Tree protection measures including fencing shall be erected prior to any construction works commencing and shall be in accordance with BS5837 (2012). Within a period of six months following the substantial completion and occupation of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

Reason: In the interest of visual amenity.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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 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. 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.

Paul Hyde

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

Dated this day of 2020.