



## Board Direction

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**Ref: PL29N.246195**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27<sup>th</sup> July 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

Having regard to the residential zoning objectives for the area as set out in the Dublin City Development Plan, the planning history of the site and the pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not exacerbate flood risk in the area, would not be prejudicial to public health, would not seriously injure the visual or residential amenities of the area or of property in the vicinity 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, and as amended by the further information submitted to the planning authority on 21st December 2015 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 revised such that no part of House type B is less than 2m from the eastern boundary. This may be achieved either by narrowing the footprint of House Type B or by replacing the two detached houses with a pair of semi-detached units. Details of the revised layout shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of properties along the eastern boundary of the site.

3 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard,

- (a) all flood risk mitigation measure proposed in the further information submitted to the planning authority on 21st December shall be implemented and detailed designs relating to same shall be submitted to and agreed in writing with the PA prior to the commencement of development;
- (b) the development shall be drained by means of a completely separate system with separate connections to the public foul and surface water systems,
- (c) the outlets from the development to the public surface water and foul sewers shall be provided with non-return valves.

**Reason:** In the interest of public health

4 The two existing and the two proposed houses within the site shall be single family occupancy only.

**Reason:** In the interest of clarity

5. The entrance and driveway layout and dishing of footpaths shall be in accordance with the requirements of the planning authority.

**Reason:** In the interest of pedestrian safety.

6 A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:

- (a) provision of a 1.8m high boundary wall (as measured from the higher adjacent ground level) along the site perimeter to the rear of the existing dwellings;
- (b) details of all proposed hard surface finishes, including the front gardens of both existing proposed dwellings, and including samples of proposed paving slabs/materials for footpaths and kerbing and road surfaces within the development;
- (c) proposed locations of landscape planting in the development;
- (d) details of proposed boundary treatments at the site frontage and between rear gardens, including heights, materials and finishes and measures to protect the root zones of trees in adjoining gardens.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and comply with the requirements of condition 3 of this permission.

**Reason:** In the interest of visual amenity.

7. CMP1

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling and in the interest of the amenities of the area.

9. All ensuite bathroom windows at first floor level shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

10 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.

11 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

12 The developer shall pay the sum of €4,000 (four thousand euro) to the planning authority a financial contribution as a special contribution under section 49 of the Planning and Development Act 2000 in respect of Metro North. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

13. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, drainage systems and

boundary treatment and other services required in connection with the development, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be agreed between the Planning Authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

*Note:* The Board noted the Inspector's recommendation to include a 1.8m high retaining wall. The Board decided not to include this requirement in view of the Planning Authority's judgement that the works as proposed in the Flood Risk Assessment were satisfactory.

*Please issue a copy of the Direction with the Order.*

Board Member: \_\_\_\_\_ Date: 27<sup>th</sup> July 2016  
G.J. Dennison