



An
Bord
Pleanála

**Board Direction
PL06D.247882**

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 3rd 2017.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the pattern of development in the vicinity, including other infill housing, and to the scale, layout and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring properties, would comply with the provisions of the current Development Plan for the area, particularly in terms of the encouragement of increased residential density and in relation to infill housing, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not consider that the proposed development would be overbearing in the context of adjacent residential property, and was of the view that, subject to the conditions set out in its order, the development would not cause overlooking of adjoining property or be injurious to the residential amenities of such property.

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 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. All glazing at first floor level on the winter garden (north-east) elevation, and on the rear (south east) elevation, including the upper two panes of the stairwell window facing south-east, shall be permanently fitted with opaque or frosted glass.

Reason: In the interest of protecting the residential amenities of adjoining properties.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling, and to protect the residential amenities of adjoining properties.

4. Water supply and drainage arrangements including the attenuation and disposal of surface water shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 hours Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. Details of the external finishes of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof shall be blue-back or slate-grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

7. No access shall be taken from the subject site, whether vehicular or pedestrian, onto the adjoining housing development to the north-east (Torquay Wood estate).

Reason: In the interest of residential amenity and of pedestrian safety.

8. As PA condition no. 8 (with PA reason)
9. As PA condition no. 9 (with PA reason)
10. As PA condition no. 10 (with PA reason)
11. As PA condition no. 11 (with PA reason)
12. Standard S. 48 financial contribution condition (unspecified)

13. The developer shall pay to the planning authority a financial contribution as a contribution under section 49 of the Planning and Development Act 2000 in respect of the extension of LUAS line B from the Sandyford Depot to Cherrywood, namely LUAS line B1. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of 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: standard S. 49 reason.

Board Member

Date: 3rd May 2017

Philip Jones