



An
Bord
Pleanála

Board Direction
PL29S.248502

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19th September 2017.

The Board decided on the basis of a 2:1 majority to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Z2 zoning designation of the Dublin City Development Plan 2016 - 2022, the existing character and setting of the Protected Structure at Number 124 Leinster Road and the design of the proposed development in the context of the overall pattern of development in the vicinity of the site, the board considered, subject to compliance with the conditions below, that the proposed development would not seriously injure the character and setting of the Protected Structure or the Residential Conservation Area residential and visual amenities and 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 had regard to the pattern of development in the vicinity of the site, particularly the fact that the Protected Structure and curtilage of Number 124 Leinster Road had already been significantly modified to provide for two additional units and that its rear garden had been sub-divided into four walled areas to provide amenity areas for those units and a separate site for an existing permitted lock-up structure on the appeal site. The board therefore considered that the proposed development would

not detract from the existing character and setting of the Protected Structure and its residential amenities.

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 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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority before the commencement of construction of the house.

Reason: In the interest of the visual amenities of the area.

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.

Reason: In the interest of public health.

4. Details of the boundary treatment, including the front boundary modifications, shall be submitted to and agreed in writing with the planning authority prior to commencement of construction of the house.

Reason: In the interest of the visual amenities of the area.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. 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.

Board Member

Date: 27th September 2017

Maria FitzGerald