



An  
Bord  
Pleanála

**Board Direction**  
**PL29N.249017**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 29<sup>th</sup> March 2018.

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

### **Reasons and Considerations**

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed Backland Development of three houses, the design response proposed, and the proximity to boundaries, is acceptable. The proposed development does not constitute overdevelopment, would be consistent with the policies of the Development Plan and would not seriously injure the amenities of property in the vicinity.

Having regard to the zoning objective for the area, the proximity to adjoining properties and to the development plan policy regarding Backland Development, it is considered that, subject to compliance with conditions below, the proposed development

- would not seriously injure the visual amenity or character of the area or residential amenity of the property in the vicinity,
- would not give rise to flood risk
- 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.

Having regard to the Appropriate Assessment Screening, the report of the Inspector and the nature, scale and location of the proposed development, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effect on any European Site, in view of the sites' conservation objectives. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

### **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 23rd day of June 2017], 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. Prior to commencement of the development, the developer shall enter into an agreement with the planning authority, pursuant to Section 47 of the Planning and Development Act, 2000, which shall allow for provision of shared access onto the proposed access way onto Castle Avenue. This shared access shall make provision for facilitating the possible future development of lands to the south, of the proposed development as indicated on the original planning application submission, and also to the north of the proposed development.

**Reason:** In the interest of co-ordinated development.

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. The proposed car parking spaces located to the front of House No. 3 shall be removed.

**Reason:** In the interest of orderly development and to facilitate potential future development of neighbouring lands.

5. No flat roofed area shall be used or accessed as a roof garden/patio.

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

6. The development shall comply with the following requirements of Road & Traffic Planning Division of the Planning Authority:

- a. The proposed new vehicular entrance and access road shall be used only to serve the three new houses. Any future housing development off the access road shall require the vehicular access and laneway to comply with requirements under DMURS.
- b. Prior to commencement of the development, the applicant/developer shall contact the Parks Department of the local authority to request the removal of existing tree on the public footpath outside 134 Castle Avenue, if required to facilitate the widening of the vehicular entrance. All works shall be at the applicant's expense.
- c. Footpath and kerb to be dished and new/modified entrance provided to 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 visual amenity.

7. Water supply and drainage arrangements, including the [attenuation and] 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.

8. Prior to commencement of development, 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of amenities and public safety.

9. Construction on site shall be limited to between 08.00 hours and 18.00 hours Monday to Friday, and between 08.00 hours and 14.00 hours on Saturday. No work shall take place on Sundays or bank or public holidays.

**Reason:** In the interest of residential amenity and orderly development.

10. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

11. 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 until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space 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 as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

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

12. 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.

**Board Member**

**Date:** 29<sup>th</sup> March 2018

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Michelle Fagan