



An  
Bord  
Pleanála

**Board Direction**  
**BD-000072-18**  
**ABP-300154-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2018.

The Board decided to make a split decision generally in accordance with the Inspector's recommendation, to

- (1) refuse permission for redesign of House 5 (detached house at rear of site) from 1.5-storey 92 sq. m 2-bedroom house to detached 2-storey 128 sq. m 3-bedroom house for the reasons and considerations set out under (1) below

And

- (1) grant permission for a reduction in garden lengths of Houses 1-4 (terrace facing Collins Avenue) and redesign of Houses 6-9 (terrace of 4 houses to rear of site) for the reasons and considerations set out under (2) and subject to the conditions set out below.

### **Reasons and Considerations (1)**

In deciding to refuse the redesign of House 5, the Board considered that the revised design by reason of its wide 2-storey western elevation and its inadequate provision of private open space that would be overlooked from adjoining property or overshadowed from screening, would be an inappropriate form of development at this location and would represent significant overdevelopment of this part of the site. The proposed development would, therefore, seriously injure the amenities of the

area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

## **Reasons and Considerations (2)**

Having regard to the “Z1” zoning objective applicable to the site, and to the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions below, the redesign of Houses 6-9 and the reduction in length of the gardens of Houses 1-4 would not seriously injure the visual amenities of the area or residential amenities of property in the area, and would comply with the relevant standards of the Dublin City Development Plan, 2016-2017 for this type of development. 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 received by An Bord Pleanála on the 9<sup>th</sup> day of November, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission planning register reference number 3887/15, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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. 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 and to ensure a proper standard of development.

5. 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 any house on site 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 each dwelling.

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. 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:** 08/03/2018

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Maria FitzGerald