



An
Bord
Pleanála

Board Direction
BD-002949-19
ABP-303397-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016 -2022, and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposal would preserve the setting of nearby Protected Structures. 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 submitted on the 14th day of November 2018, 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

3. 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.

4. The following requirements in relation to construction adjacent to boundary walls should be strictly adhered to during construction:
Appropriate measures should be taken during the construction of the development to cause minimum interference to the boundary walls of the Protected Structures located to the east of the subject site.

Reason: To protect the character and integrity of the setting of adjoining Protected Structures.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority and Irish Water for such works and services.

Reason: In the interest of public health.

6. The artist's studio hereby permitted shall be used in conjunction with the dwelling and must not be sold, let or otherwise conveyed as a separate entity.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

7. 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 Scheme made under section 48 of the Act be applied to the permission

Note: The Board considered the inspectors recommendation to set back the first floor by 4m from the rear boundary wall of No. 18 Castlewood Park and to reduce the ridge height of the dwelling by 1m however the Board concurred with the assessment of the planning authority in this instance and considered that proposed development was an appropriate design response to the site constraints and would not injure the visual or residential amenities of adjoining properties.

Board Member

Date: 03/05/2019

Paul Hyde