

An  
Bord  
Pleanála

**Board Direction**  
**BD-012638-23**  
**ABP-314101-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/06/2023.

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 residential 'Z1' land use zoning of the site under the Dublin City Development Plan, 2022-2028, to the character of the site and its setting, the pattern of development in the area, the design, layout, nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of surrounding dwellings or the visual amenities of the area. 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, 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 proposed development shall be revised as follows:
  - (a) The width of the vehicle entrance shall be reduced to 3.2m and the details of the design of the entrance shall otherwise be agreed with the planning authority.
  - (b) The first-floor window on the north-east facing side elevation of the extension to the ensuite of the master bedroom shall be permanently fitted with obscure glazing.
  - (c) The flat roof over the rear ground floor level extension shall not be used for amenity use by occupants of the dwelling. Access to this roof shall be restricted to that required for its maintenance only.

Prior to the commencement of development, the applicant shall submit, for the written agreement of the planning authority, revised drawings showing compliance with these requirements.

**Reason:** To protect the residential amenity of the adjoining properties and adequately address traffic safety.

3. The demolition and construction phases of the proposed development shall be managed in accordance with a Demolition and 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 traffic

management and access, hours of working, noise management measures, dust management measures, protection of site boundary measures, off-site disposal of demolition and construction waste storage of materials including measures taken to deal with hazardous materials.

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

4. 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.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. 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.

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:**

In relation to the changes to the design recommended by the inspector as expressed through Condition number two of the schedule of conditions set out in the inspector's report, the Board did not agree that all of the recommended design changes set out were warranted having regard to the orientation of the extended property relative to neighbouring properties, the absence of overlooking, minimal overshadowing of the extended property onto neighbouring properties and associated resultant negative residential amenity issues on surrounding houses, particularly noting the prevailing urban context where, as set out in Section 1.6 (Daylight and Sunlight) of Appendix 2 of the development plan, some degree of overshadowing is inevitable and unavoidable. The Board was also satisfied that the proposed development as presented with the application would respect the character of the existing building, its context and the visual amenities of the area.

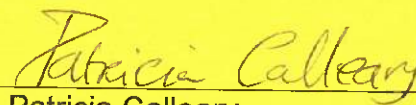
In relation to Condition number 2 (sub part 2a) that dealt with the widening of the vehicular access, the Board did not agree with the the inspector that this was a new issue as while it was not specifically raised in the grounds of appeal, it was an inherent part of the description of the proposed development as set out in the

statutory notice and it was therefore open to parties to the appeal to engage with this matter. Furthermore, this element of the design was reported on by the transportation section at the planning authority stage. Accordingly, in its decision, the Board attached an amended version of the inspector's recommended Condition number two (sub part 2a) reflecting the technical requirements of the transportation planning division which the Board considered to be reasonable to address traffic safety.

The Board noted that the matter relating to restricting the use of the attic for habitable space only where it complies with the Building Regulations, as set out in the inspector's recommended condition number three, is one that is governed under the Building Control Act 1990, as amended and the Building Control Regulations 1997, as amended. Accordingly, the Board did not attach recommended Condition number three that was set out in the inspector's report.

Certain other conditions set out in the inspector's recommended schedule of conditions were omitted by the Board in instances where they were not considered necessary in the circumstances of the site context, the documentation on the file and having regard to the modest nature and scale of the proposed development.

**Board Member**

  
Patricia Calleary

**Date:** 28/06/2023

