

An
Bord
Pleanála

Board Direction
BD-012669-23
ABP-314200-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/06/2023.

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 provisions of the Dublin City Development Plan, 2022-2028, the existing pattern of development in the area, and the 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 amenities of the area or of property in the vicinity. 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 further information submitted to Planning Authority on the 7th of June, 2022, 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 rear eaves of the proposed first floor extension shall not exceed 4 metres in height and the master bedroom layout reorganised to ensure a satisfactory standard of accommodation is provided.

(b) A timber louvre screen, as shown on the submitted planning application drawings, shall be installed in front of the first-floor window in the side (east facing) elevation. This measure shall be permanently maintained.

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

Reason: To protect the residential amenity of the adjoining properties.

3. The first-floor level extension, including rainwater goods, shall be wholly contained within the curtilage of No. 31 Leeson Village save where the consent of adjoining property owners has been obtained. Revised drawings showing this amendment alongside detailing the external treatment of elevations and works to the northern and western elevations of the proposed extension shall be submitted to the Planning Authority for their written agreement prior to the commencement of any works on site. The treatment of all elevations particularly at first floor level shall include appropriate qualitative detailing and finishing to ensure that they do not present as blank and poorly resolved elevations in terms of appearance within their visual setting.

Reason: In the interests of safeguarding the visual, residential, and built heritage amenity of the area.

4. The house and the extension shall be used as a single dwelling unit only.

Reason: To ensure an adequate standard of residential amenity.

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 the house 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 the dwelling.

6. 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.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. 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.

9. 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.

10. 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.

11. The site development works shall be carried out in such a manner as to ensure that the adjoining footpath, internal spaces within Leeson Village as well as adjoining public street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during demolition and construction works as well as in the interests of orderly 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, 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.


Advisory Note:

The applicant/developer is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that: *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property to carry out development.

Note

The Board noted the timbre louvre screen proposed for the first floor window in the side (east facing) and considered this measure sufficiently addresses concerns regarding overlooking.

Board Member


Martina Hennessy

Date: 29/06/2023

