

An
Bord
Pleanála

Board Direction
BD-015900-24
ABP-315582-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/03/2024.

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 pattern of development in the area and its residential zoning under the Dublin City Development Plan 2022-2028, and to the standards for the development of infill houses on backland areas set out in section 15.13.3 and 15.13.4 of that Plan relating to infill development and backland housing respectively, it is considered that, subject to compliance with conditions below, the proposed houses would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. For the above reasons, the proposed development would be in accordance with the proper planning and sustainable development of the area.

6 Conditions

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| 1. | The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 22 nd November 2022, except as may otherwise be required in order to comply with the |
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	<p>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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>All conditions attached to Register Reference ABP-309448-21 shall be strictly adhered to, save as may be amended by other conditions attached hereto</p> <p>Reason: In the interest of clarity</p>
3.	<p>This grant of permission shall expire with that of the permission granted under Register Reference ABP-309448-21</p> <p>Reason: In the interest of clarity</p>
4.	<p>(a) the south-west facing window serving House 01 kitchen/dining area shall be reduced to a high level ope 1.8m above finished floor level and shall be permanently fitted with opaque glazing</p> <p>(b) the 2nd floor side opes to kitchen/dining room in House No. 2 and 3 shall be permanently fitted with opaque glazing</p> <p>(c) Any glazing to balconies shall have an opaque treatment</p> <p>(d) Timber fencing to the rear private terraces shall be finished in a dark stain and fronted with buffer planting</p> <p>(e) Car parking spaces No. 27 and 28 on Drawing No. 2018-94-FI-100, submitted to the planning authority on 22nd day of November 2022 shall be permanently omitted. Cycle parking for a minimum of 3 no. standard bicycles and 3 no. non-standard bicycles in compliance with the provisions of the Compact Settlement Guidelines 2024 shall be provided at this location.</p> <p>(f) adequate details of an appropriate enclosure of the bin store shall be submitted to the planning authority for agreement, prior to the commencement of development</p> <p>Reason: In the interests of residential amenity and to provide an adequate standard of development</p>

5.	<p>The mitigation measures and monitoring commitments identified in the Ecological Appraisal, Arboricultural Reports, Bat Fauna Assessment and all other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the submitted reports, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
6.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Each dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction</p>

	<p>traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
11.	<p>The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.</p>

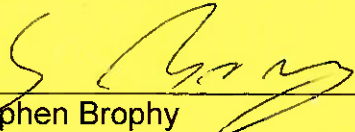
	<p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
13.	<p>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</p>

	<p>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.</p> <p>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</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space 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.</p> <p>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.</p>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

The Board considered the totality of material on file including the Report of Bat Monitoring dated September 2021 submitted along with the appeal. In this regard the Board noted the conclusions, but considered that the updated bat survey supplied by the applicant dated 10th November 2022 provided sufficient evidence of low bat activity, and that the works proposed did not involve the type or scale of intervention likely to require an NPWS derogation licence on the basis that -inter alia – no roosting or resting places are known to be present on site following survey by qualified professionals. The Board also noted the absence of badger setts on site. The Board considered the view of the Parks, Biodiversity and Landscape Services section of the Local Authority, particularly regarding tree removal between the development and The Oaks residential area; but considered the reasoning as presented in the associated Arboricultural Note to be sufficient justification for their removal given adequate replacement planting. The board noted that the site notices indicated 'no tree removal' as a result of this development – and noted that the applicant considers the aforementioned removal to be a part of the plan prepared in compliance with condition 6 of the parent permission. Irrespective, the Board considered the removal of these particular trees to be acceptable in this instance.

Board Member



Stephen Brophy

Date: 22/03/2024