



An
Bord
Pleanála

Board Direction

BD-017598-24

ABP-319150-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/09/2024.

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 grounds of appeal, the applicant response and the Z1 residential zoning objective, it is considered that the proposed development, subject to conditions, would provide for the upgrade of two pre-1963 residential units on site at no. 21 Grattan Parade, a building in a derelict condition, providing a two-bedroom unit at entrance level and a one-bedroom unit at first floor level, would be consistent with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 in the matter of residential extension, would not have an adverse impact on the residential amenities of adjoining properties, including no. 20 Grattan Parade adjoining, and as such would be consistent with the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to permit the first-floor balcony, the Board noted Section 1.4 (Privacy & Amenity) of the Dublin City Development Plan 2022 - 2028, which states that there will be a general presumption against the development of rear balconies and roof terraces.

The Board agreed with the Planning Authority that the proposed screening would not sufficiently mitigate the serious injury to the privacy and amenity of neighbouring properties and noted that the appellant strongly objected to its inclusion, and the applicant had accepted its omission by the Planning Authority.

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 the planning authority on the 5th day of December 2023 and the 18th day of January 2024, 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. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised drawings providing for the following modifications:
 - a) The proposed balcony to the first-floor apartment shall be omitted. The door to the rear (south) first floor elevation shall be replaced with a window, of the same proportions as the bathroom windows. No flat roof shall be used as a balcony or terrace without a prior grant of planning permission.

- b) The proposed recessed porch shall be omitted, and the doorcase and fanlight opening shall be retained or replicated. A solid timber door, or part glazed timber door shall be provided

Reason: In the interest of protecting the privacy and residential amenity of the neighbouring property at 20 Grattan Place, and to protect of the character and integrity of the late nineteenth century streetscape on the southside of Grattan Parade.

- 3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

- 4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of traffic safety.

- 5. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual 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.

Board Member


Declan Moore

Date: 25/09/2024