

An
Bord
Pleanála

Board Direction

BD-019757-25

ABP-321310-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/05/2025.

The Board decided to make a split decision, to

- (1) grant permission for Units 1 and 3 together with their ancillary works for the reasons and considerations marked (1) under and subject to the conditions set out below, and
- (2) refuse permission for Unit 2 for the reasons and considerations marked (2) under.

(1) *Reasons and Considerations*

Having regard to the provisions of the Dublin City Development Plan, 2022-2028, including the 'Sustainable Residential Neighbourhoods – Zone Z1' and the 'Residential Neighbourhoods (Conservation Areas) – Zone Z2' land use zoning objective for the site and its setting; relevant policies and objectives of this plan, which includes considerations for developments relating to brownfield, infill and underutilised lands; the pattern of development that characterises this accessible serviced location and having regard to the overall built form, design, and layout 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 or character of the area; it would not seriously injure the residential amenity of dwellings in the area; it would not be prejudicial to public health; it would not give rise to any traffic inconvenience and would it be consistent with relevant local, regional through to national planning provisions and guidance. 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 received by the planning authority on 9th day of October, 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. The proposed development shall be amended as follows:
 - a) Unit 2 and its ancillary spaces as well as structures shall be omitted in their entirety.
 - b) The open space between the rear of Unit No. 1 and Unit No. 3 shall be equally split between both units.
 - c) Unit 1 shall be revised at first floor level to omit the courtyard and to insert a window to the bedroom on that floor in northeast corner of the northern elevation.
 - d) Unit 3 shall be revised at first floor level so that the bedroom window adjacent the void is fitted with obscured glazing, fins or louvres to reduce the potential for overlooking adjacent properties.
 - e) Unit No. 1 and Unit No. 3 shall be served by a maximum of two car parking spaces, and they shall be served by an entrance that has a maximum width of 3-metres that shall not have outwardly opening gates. The omitted car parking space shall be included into the landscaped areas of this scheme.
 - f) The entrance, car parking space and cycle parking spaces serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
 - g) All of the in-curtilage car parking spaces serving the residential units hereby permitted shall be provided with electric connections to the exterior of the houses to allow for the provision of a future electric vehicle charging point.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and orderly development.

3. The development hereby approved comprises 2 dwelling units.

Reason: To clarify the number of units hereby approved.

4. Prior to the commencement of any development on site the developer shall submit to, and agree in writing with the Planning Authority, an asbestos survey and plan in relation to the safe management of its removal from site in a manner that accords with best practice. This survey should also identify, if any, other hazardous materials removal from site as a precaution.

Reason: In the interest of public health.

5. 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.

Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of public safety and amenity.

7. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site, together with the flood mitigation measures proposed in the Flood Risk Assessment, Rev.04, by Walsh Design Group for implementation, for the written agreement of the planning authority.
Reason: In the interest of public health and in the interest of orderly development.

8. The developer shall comply with the detailed requirements of Transportation Planning Division and the Noise & Air Pollution Section of the Planning Authority.
Reason: To ensure a satisfactory standard of development in the interest of noise protection with the site being located within 'Noise Zone C' relative to Dublin Airport, pedestrian, and traffic safety.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) Details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing, and road surfaces within the development.
- (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
- (c) Details of all external lighting fixtures.
- (d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials, and finishes. Details shall also include the details of the treatment of the eastern boundary of the site adjoining Ringsend Park and the measures to be taken for the protection as well as repair of the period stone boundary walls arising from the proposed development and where necessary to safeguard their structural integrity.
- (e) Boundary treatment and landscaping scheme shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

13. 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.

14. a) Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

b) The development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

15. If, during the course of site works any archaeological material is discovered, the City Archaeologist of Dublin City Council shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

16. 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.

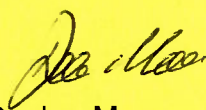
Advisory Note:

The developer is advised that Section 34(13) of 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'.

(2) Reasons and Considerations

Having regard to the 'Z1' and 'Z2' zoning objective for the site and its setting, Section 15.13.3 and Section 15.13.4 of the Dublin City Development Plan, 2022-2028; the pattern of development in the area and the nature, scale and extent of the proposed development, it is considered that Unit 2, by reason of its positioning to site boundaries of adjoining properties, its overall built form and design scale, would seriously injure the residential amenities and of adjoining properties by reason of visual obtrusion, overlooking and overshadowing. It is also considered that this unit would represent significant overdevelopment of this constrained site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:


Declan Moore

Date: 26/05/2025