



An
Bord
Pleanála

Board Direction
BD-019268-25
ABP-321312-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2025.

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 nature, scale and extent of the proposed development, the nature of the receiving built environment and having regards to the provisions of the Dublin City Development Plan, 2022-2028, in particular Section 14.7.1 re Z1 zoned lands and Section 15.13.4 Backland Housing, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, nor would it be a type of development that would be inconsistent with the pattern of development to the rear and within the vicinity of the historic period terrace group of houses at Mullingar Terrace. The proposed development would not materially or adversely affect the character or setting of any of the Protected Structures which form part of its site and setting, a setting that also forms part of the 'Chapelizod & Environs Architectural Conservation Area' or the zone of archaeological constraint of the Recorded Monument it forms part of or any such National Monuments in its vicinity and would be consistent with Chapter 11 of the Dublin City Development Plan, 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as revised by the drawings submitted to the Board on the 3rd day of September, 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 dwelling with family annex shall be retained and occupied as a single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.

Reason: To restrict the use of the dwelling with family annex in the interest of residential amenity.

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

Reason: In the interest of visual amenity.

4. The following requirements shall be complied with:

- (a) The timber fencing shall be omitted from the new boundary wall to the south of the site and from any new boundary treatments proposed to demarcate the external boundaries of this site. In its place a new solid boundary wall matching the historic walls in material, coursing and construction shall be constructed of 2meters in height. Details of the same shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to protect the special architectural character of Protected Structures that bound the site and are located within its setting.

5. Drainage arrangements, including 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 revised Sustainable Drainage Systems for the management of surface water on site for the written agreement of the planning authority.

Reason: In the interest of public health.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann 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.

7. The developer shall comply with the following requirements of the planning authority:
 - (a) The vehicular entrance to the site from the laneway shall not have outward opening gates.
 - (b) The driveway/parking area shall be constructed of permeable materials only.
 - (c) The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material.

Reason: In the interest of traffic safety, orderly development, and the management of surface water.

8. The developer shall engage a suitably qualified licensed archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the Local Authority Archaeologist or the National Monument Service (NMS).

Prior to the commencement of such works the archaeologist shall consult with and forward to the planning authority's archaeologist or the NMS as appropriate a method statement for written agreement.

The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation]. The developer shall facilitate the archaeologist in recording any remains identified.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.

All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of archaeological features or other objects of archaeological interest likely to be damaged or destroyed in the course of development.

9. The site shall be landscaped in accordance with the scheme submitted to An Bord Pleanála on 22nd November 2024, final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, stone walls, which are proposed for retention as features of the site landscaping, in particular the mature Wych Elm tree and the Pheonix Park boundary wall.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder and which shall not include prunus species.
- (iv) Details of screen planting which shall include evergreen species.
- (v) Hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

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 [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and 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 commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and Construction Management Plan, which shall be adhered to during demolition and construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and a construction traffic management plan.

Reason: In the interest of public safety and amenity.

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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 proper planning and sustainable development.

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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

14. 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 ABP-319754-24 Inspector's Report Page 19 of 24 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: The developer is advised that Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Board Member


Mick Long

Date: 24/03/2025