

An
Coimisiún
Pleanála

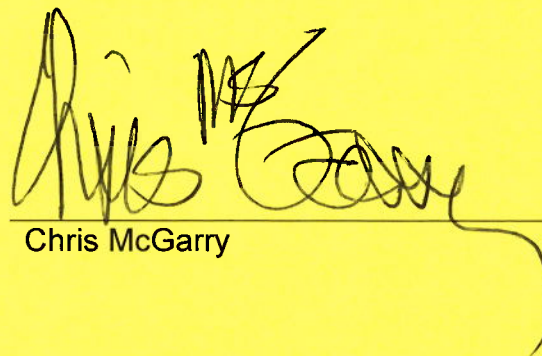
Direction
CD-020146-25
ABP-322027-25

The submissions on this file and the Inspector's report were considered at a meeting held on 07/07/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:



Chris McGarry

Date: 07/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the zoning of the subject site, to the pattern of development in the area, to the relevant provisions of the Dublin City Development 2022-2028, including objective QHSN04 (densification of suburbs), to the nature, scale and extent of the proposed development, including the provision of car and bicycle parking, the form and layout of the proposed dwellings including provision of private open space, 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 including residential property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not lead to overlooking, would not adversely affect the character

of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission first off noted and shared the concern of the inspector regarding the proximity of the gable end of proposed house number 6 to 20 Hollybrook Park. However, from a review of the relevant policy and associated application detail with respect to this proximate relationship, the Commission determined that subject to the omission of proposed house number 6 by condition, the otherwise proposed scheme would be sufficiently set back from 20 Hollybrook Park to resolve any concern as to the diminishment of its setting and integrity, noting the broad range of house styles and forms in the wider area, the overall policies of the development plan in support of appropriate densification and support for the development of infill housing and noting also that 20 Hollybrook Park is not a protected structure. The Commission did not share the view of the inspector that the removal of the current treeline to the north of 20 Hollybrook Park would adversely affect the visual quality of the existing dwelling, such that a refusal of permission would be warranted. Nor did the Commission that the removal of the treeline would be contrary to Policy GI41 (protect existing trees as part of new development) noting that the existing planting is itself an altered development boundary currently within a current private garden and having regard to the ability for further planting to be set out in this broad area. Furthermore, the Commission considered that the overall benefit of the proposed development by reference to development plan policy including objectives for the provision of additional housing is a relevant consideration. It was therefore determined that subject to a landscaping condition providing boundary treatment in the area of the now omitted house number 6, that the overall character, setting, garden area and residential amenity at 20 Hollybrook Park would continue to be of an appropriate quality and form for this established urban area. On the basis therefore of the assessment as set out above, and having regard to the totality of the documentation on file and considering the decision of the planning authority to grant permission, the Commission determined that a refusal of permission in accordance with the recommended reason number one of the inspector was not warranted.

With regard to recommended reason number two (argued risk to pedestrian and traffic safety), the Commission examined all relevant documentation on file, including the response to Further Information as submitted by the applicant and the conclusions of the planning authority. Specifically, the Commission noted and agreed with the Dublin City Council planning officer's report dated 12th February 2025 wherein it is stated that the traffic and access based issue set out in the Further Information response of the applicant 'addresses the concerns raised'. The Commission therefore determined that a refusal of permission in relation to risk to pedestrian and traffic safety, was not warranted on the facts of the case as presented in the overall file.

With regard to recommended reason number 3 of the inspector (argued adverse impact on the residential amenities of adjacent properties by reason of daylight/sunlight) the Commission considered the drawing material submitted to the planning application including the shadowpath drawings. In this regard the Commission noted and shared the opinion of the planning authority, that, 'having regard to the aspect, scale and separation distances it is not considered that the proposed development would negatively impact upon adjacent residential amenity in terms of daylight and sunlight' (report of Dublin City Council planning officer dated 12th February 2025 refers). The Commission noted the expressed concern of the inspector that 'the submitted shadow analysis does not allow for a comparison between the existing situation and the additional shadowing' (para. 9.4.3 of inspector's report refers). However the Commission completed an examination of all drawings on file, including the shadowpath material and determined that distances to adjacent properties to the north east (across the public open space public roadway) would be distant from the proposed dwellings, properties to the west would also be sufficiently distant to avoid any material adverse impact. By reference to the properties to the immediate south (including 20 Hollybrook Park) the proposed development would be to the north/north east of these. On any issue of daylight, the Commission determined that no issue would arise, though the omission of proposed dwelling number 6 would in any event increase the distance of the permitted development from 20 Hollybrook Park.

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 23rd day of January 2025, 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. House number 6 shall be omitted from the proposed development and the area of this propose dwelling shall be subsumed into the garden area of 20 Hollybrook Park. An appropriate site landscaping scheme, including provision for planting at the northern boundary area of the garden area for 20 Hollybrook Park, shall be provided. Prior to commencement of development, revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority.

Reason: in the interest of residential amenity and architectural heritage protection.

3. Details of the materials, colours and textures of all the external finishes to 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.

4. 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 and surface water management.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 sustainable waste management.

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

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

The proposed name(s) 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 placenames for new residential areas.

11. All of the car parking spaces serving the residential units shall be provided with electric connections to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. A plan containing details for the management of waste and, in particular, recyclable materials, within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit or duplex for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. 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 provision and satisfactory completion of roads, footpaths,

watermains, drains, public 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development.

17. 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 Coimisiún 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.