

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3845/14

An Bord Pleanála Reference Number: PL 29N.245431

APPEAL by Marino and District Community Centre Limited, Marino Residents Association of Carleton Hall, Dublin and by Jim Carroll and Lisa Tinley and others of 23 Windsor Avenue, Fairview, Dublin and by others against the decision made on the 7th day of August, 2015 by Dublin City Council to grant subject to conditions a permission to Halcyon Homes Limited of Killester, Fairyhouse Road, Ratoath, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of eight number three bedroom terrace houses. New build for each unit will be of three-storey height with setback roof terraces to North and South elevation at third floor including solar panels; and balconies at second floor facing the rear gardens along the southern elevation. Each dwelling unit will have a front garden and driveway to accommodate one number off-street car parking space and rear garden located to the southern face. Development will also consist of new infrastructure and site development works, development all at 18 Fairview Avenue (junction of Fairview Avenue and Fairview Terrace) Dublin

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective for the site, the design, layout and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 submitted on the 13th day of July, 2015, 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 details and samples of all proposed external finishes for the written agreement of the planning authority. The use of Trespa timber panelling is not permitted.

Reason: In the interest of visual amenity.

3. (1) The first floor rear facing windows serving bedroom number 1 within houses numbered 2, 3 and 4 shall be permanently glazed with obscure glass.
(2) The first floor west facing window to house number 8 shall be permanently glazed with obscure glass.

Reason: In the interest of privacy and amenity.

4. House number 1 shall be omitted from the scheme. Any house which shall be constructed on the site of house number 1 shall be subject to a further planning application and shall provide for a revised house type which keeps within the street line of Fairview Avenue Lower, and which provides an appropriate corner feature to close the vista from Fairview Avenue Upper. In the interim the site of house number 1 shall be fenced and made secure.

Revised drawings showing compliance with this requirement 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 and orderly development.

5. The proposed access arrangements including junctions, boundary treatments, sight distances, surfacing and drainage shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of visual amenity and orderly development.

6. Any public lighting requirements for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

7. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

8. Site development and building works shall be carried out between 0800 hours and 1800 Mondays to Fridays inclusive, between 0800 and 1400 hours 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 approval has been received from the planning authority.

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

9. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. Proposals for a 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.

Reason: In the interest of urban legibility.

11. The landscape scheme accompanying the application shall be carried out within the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced within the first planting season thereafter.

Reason: In the interest of amenity, ecology and sustainable development.

12. 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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.

13. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of public open space. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.