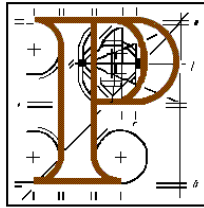


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2943/15

An Bord Pleanála Reference Number: PL 29S.245626

APPEAL by Patrick and Joanna O'Reilly of 37 South Hill, Dartry, Dublin and by South Hill Residents of 3 South Hill, Dartry, Dublin and by Brookrush Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 17th day of September, 2015 by Dublin City Council to grant subject to conditions a permission to the said Brookrush Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The erection of two number two bedroom duplex units, both with associated balcony and terrace areas. The proposal will be accommodated over the existing three-storey apartment building to provide for a new third and set back fourth floor level (overall building height five storeys from Milltown Road, two storeys at its interface with South Hill). The proposal shall also provide for increased balcony and terrace areas for existing six number apartment units, revised car parking, bicycle parking and landscaping arrangements, revisions to elevations and all associated site development works, all at apartments numbers 1-6 South Hill, number 38 South Hill, Dartry, 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 scale and height of the existing three-storey apartment building and the residential land use zoning of the site, and to the character of the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to include the Inspector's recommended conditions numbers 2(a) and (b), the Board, having regard to the site's planning history and the unique topographical characteristics of the site where there are varying ground levels, considered that this did not represent a breach of Section 17.6(ii)(c) of the Dublin City Development Plan 2011-2017.

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 1st day of September, 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. The proposed development shall be amended as follows:
 - (a) The glass privacy screens to the sides of the proposed balconies shall be increased in height to two metres throughout.
 - (b) The glazing on the rear (north) elevation serving the two stairwells shall be in obscured glass.
 - (c) An area for bin storage for the proposed units shall be provided adjacent to the existing bin storage area on the ground floor.

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 visual and residential amenity.

3. Prior to the commencement of development, details of the external finishes including screens to balconies and terraces shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual and residential amenity.

4.
 - (a) One on-site car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.
 - (b) Cycle parking shall be secure, conveniently located, sheltered and well lit.

Reason: To ensure a satisfactory standard of development and in the interest of residential amenity.

5. Water supply and 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.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 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 residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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.