

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3105/15

An Bord Pleanála Reference Number: PL 29S.245642

APPEAL by Anthony Ryan care of Brian O'Donoghue Architects Limited of 62 Gilford Road, Sandymount, Dublin against the decision made on the 23rd day of September, 2015 by Dublin City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The demolition of the existing two-storey detached apartment building and the construction of four number detached two-storey dwellings, and the formation of one number vehicular entrance at "Hamilton Court", Seaview Terrace, (rear 77 Ailesbury Road) 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 location of the subject site within an area designated as a Residential Conservation Area in the Dublin City Development Plan 2011-2017 and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would satisfactorily integrate into the established pattern and character of the area, would not be visually obtrusive, would be acceptable in terms of traffic safety and convenience and would not seriously injure the amenities of property in the vicinity. 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 An Bord Pleanála on the 20th day of October, 2015 and as further revised by the plans and particulars submitted to An Bord Pleanála on the 16th day of February, 2016, 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 proposed roof lights in the rear plane of the roofs of the proposed dwellings shall be relocated to the front plane of the roofs of these dwellings.
 - (b) All first floor side gable windows (serving the landings) shall be finished in obscure glazing.

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 interest of residential amenity and to prevent overlooking of adjoining property.

3. The store room on the first floors of the proposed dwellings, as indicated on drawings submitted to An Bord Pleanála on the 20th day of October, 2015, shall be used for storage purposes only, and shall not be used as bedrooms. Any attic conversion shall be used for storage purposes only, and not for human habitation.

Reason: In the interest of residential amenity and to comply with the open space and other standards set out in the current Development Plan for the area.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no rooflights or other forms of fenestration shall be erected or installed on the rearward facing planes of the roofs of the proposed dwellings.

Reason: In the interest of residential amenity and to prevent overlooking of adjoining property.

5. Details of the materials and finishes including textures and colours for the external facades and for the roofs of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of visual amenity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

7. Site development and building works shall be carried out only between the hours of 0800 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.

8. 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.

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

- (a) all proposed hard 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) proposed lighting fixtures and seating, and
- (d) proposed boundary treatments including heights, materials and finishes.

Reason: In the interest of visual amenity and the residential amenity of adjoining properties.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including any archaeological excavation works prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. 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.