

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3079/15

An Bord Pleanála Reference Number: PL 29S.245783

APPEAL by Caitríona Ní Chuív of 9 Pembroke Park, Ballsbridge, Dublin and by others against the decision made on the 21st day of October, 2015 by Dublin City Council to grant subject to conditions a permission to Oakmount/Parmenion Limited care of ODOS Architects of 37 Drury Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: (1) demolition of an existing outbuilding and partial demolition of the wall fronting onto Morehampton Lane and (2) the construction of new mews houses as follows – four number three bedroom three storey dwellings including a new boundary wall to the right of way and boundary of rear gardens, two number car parking spaces per unit and entrance gates to each dwelling from Morehampton lane and all associated landscaping and ancillary works at site on Morehampton Lane at rear of numbers 24, 26, 28, 30 Morehampton Road (which are protected structures), 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 Dublin City Development Plan 2011–2017 and the planning history of the adjoining site to the north west, it is considered that, subject to compliance with the conditions set out below, the proposed residential development of the site in a residential conservation area would be permissible in principle and the pattern of the proposed dwellinghouses would enhance the visual amenities of the area and, in their revised form, the scale, siting, design, and finishes would combine to ensure that these dwelling houses would be compatible with the existing residential amenities of the area, while affording a satisfactory standard of amenity to future occupiers. Traffic generated by the proposal would be capable of being accommodated on Morehampton Lane and access and off-street car parking arrangements would be acceptable. The proposal would not lead to heightening of local flood risk and proposed drainage arrangements would be satisfactory. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the nature and scale of the proposed development, no Appropriate Assessment issues arise.

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 24th 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) A colour scheme shall be prepared for the proposed sliding gates.
 - (b) The aluminium fin screens shall be replaced with natural timber fins.
 - (c) The site entrances shall be provided with a lip to prevent gravel dispersal from the car parking spaces.

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 amenity and road safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, 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) 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.
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii.

(iii) Hard landscaping works, specifying surfacing materials and finished levels, and all new boundary treatments to the overall site and between house plots.

(b) A timescale for implementation including details of phasing.

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, 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 interests of residential and visual 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. 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.

Reason: In the interests of visual and residential amenity.

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 and off-site disposal of construction/demolition waste.

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

8. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

11. The developer shall pay to the planning authority a financial contribution of €87,523 (eighty-seven thousand, five hundred, and twenty-three euro) 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. The application of any indexation required by this condition 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.

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.