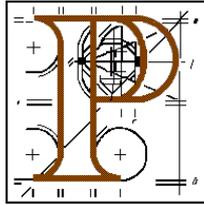


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3081/15**

An Bord Pleanála Reference Number: PL 29S.245891

**APPEAL** by Long Roche Developments Limited care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin against the decision made on the 18<sup>th</sup> day of November, 2015 by Dublin City Council in relation to an application for permission for (a) demolition of existing single storey light industrial unit and single storey detached mews apartment, (b) construction of three number new detached dwellings, consisting of two number two storey two bedroom houses (floor area 74 square metres and 98 square metres) and one number two storey plus attic level accommodation four bedroom house (floor area 175 square metres) with one number dedicated car parking space per house, (c) partial demolition, repair and renovation of existing 227 square metres three storey dwellinghouse including (1) change from four number apartments into one number dwellinghouse, (2) associated alterations to elevations, (3) change to existing roof profile including new roof terrace, resulting house 214 square metres, (d) modification to access from Mount Pleasant Avenue to the shared courtyard and (e) all associated site development works, all to existing three storey house at “Rhodaville”, Mount Pleasant Avenue Lower, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for (a) demolition of existing single storey light industrial unit and single storey detached mews apartment, (b) construction of House A comprising one number two storey plus attic level house with one number dedicated car parking space, (c) partial demolition, repair and renovation of House C comprising an existing 227 square metres three storey dwellinghouse including (1) change from four number apartments into one number dwellinghouse, (2) associated alterations to elevations, (3) change to existing roof profile including new roof terrace, (d) modification to access from Mount Pleasant Avenue to the shared courtyard and (e) all associated site development works and to refuse permission for the construction of houses B

and D comprising two number two storey two bedroom detached dwellings with one number dedicated car parking space per house):

## **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 pattern of development in the area, the zoning provisions of the Dublin City Development Plan 2011-2017 in particular Z2 Residential Conservation Areas, the high quality of design, the architectural character and the layout of the proposed development, the Board considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and, subject to compliance with the conditions as set out below, 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 Board considered that the proposed amendments to the scheme design as submitted with the appeal overcome concerns with regard to the residential and visual amenities of adjoining properties and the residential amenities of the future occupants and would not be contrary to the provisions 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 22<sup>nd</sup> day of October, 2015 and by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of December, 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 the 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. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1400 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.

3. The development shall comply with the following requirements:
  - (a) During the construction phase, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'.
  - (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142 method for rating industrial noise affecting mixed residential and industrial areas.

**Reason:** In the interest of residential amenity.

4. 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.

5. Prior to commencement of development, a programme of works regarding the demolition of existing extensions, including an evaluation of any hazardous waste/materials in the buildings and outlining safety measures and a timescale, together with removal of debris, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of residential amenity, public safety and orderly development.

6. All site development works and services shall be carried out in accordance with the Department of the Environment Publication "Recommendations for Site Developments Works for Housing Areas".

**Reason:** In the interest of clarity and orderly development.

7. All services cables associated with the proposed development (such as electrical, communal television, telephone and street lighting cables and incorporating broadband provision) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

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.

