

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3747/15**

An Bord Pleanála Reference Number: PL 29N.245922

**APPEAL** by Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin and by Auxerento Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 26<sup>th</sup> day of November, 2015 by Dublin City Council to grant subject to conditions a permission to the said Auxerento Limited in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of (a) the demolition of two number existing habitable three bed bungalow structures (approximately 95 square metres each) and associated outbuildings, (b) construction of two number one, two and three-storey over basement apartment blocks, containing a total of 16 number apartments (comprising of two number one bed units, 11 number two bed units and three number three bed units) with balconies and ground floor terraces, (c) four number surface car parking spaces and 16 number basement level car parking spaces, basement storage and plant areas, (d) vehicular and pedestrian access/egress onto the Howth Road as per previous permissions under register reference numbers 5815/07, 4933/08 and 4104/09, (e) along with all landscaping and other ancillary site works, all at 193-195 Howth 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 Z4 zoning objective for the site, to the planning history of the site 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 amenities of the area or of property in the vicinity, would not adversely affect the character of the area, would be acceptable in terms of car parking, traffic safety and drainage and would not, therefore, be contrary to 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, 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. This permission authorises a maximum of 13 residential units only.

**Reason:** In the interest of clarity.

3. Prior to commencement of any development on site the applicant shall submit details for the written agreement of the planning authority indicating:

- (a) Apartment units 5, 6 and 7 omitted from the proposal and the footprint incorporated into the communal open space area, with details of revised elevation to the main apartment block also to be submitted;
- (b) The eastern sides of the balconies to apartment units 12 and 16 shall be fitted with 1.8 metres opaque screens with the external projecting element redirected to the south-west by recessing the western side of the projection back to the balcony opening;
- (c) The proposed opes to the apartment block's eastern first floor side elevation shall be replaced by high level opaque opes at least 1.8 metres above finished floor level; and
- (d) Details of external vents from the basement within the site layout.

**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. External apartment lighting shall comply with the recommendations for 'E3' Suburban Environmental District, as set out in the Institute of Lighting Engineer's Guidance Notes for the Reduction of Obtrusive Light.

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

6. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

7. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

8. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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 interest of visual and residential amenity.

10. Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the planning authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the local authority.

**Reason:** In the interest of the future maintenance of this private development, in the interest of residential amenity and the adequate provision of community facilities

11. The car park hereby approved shall be retained for ancillary and associated use by the occupiers of the premises and shall not be sold, rented or otherwise sub-let or leased to other parties.

**Reason:** In the interest of sustainable transportation.

12. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

13. Site development and building works shall be carried only out between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays, Bank or 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.

14. 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 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 the Board 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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 the Board 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.

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

**Dated this            day of            2016.**