

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3595/15

An Bord Pleanála Reference Number: PL 29N.246195

APPEAL by John Lyons of 24 Wadelai Green, Glasnevin, Dublin against the decision made on the 26th day of January, 2016 by Dublin City Council to grant subject to conditions a permission to Tom McGrath care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing single storey sheds and the construction of two number two-storey houses, vehicular access, car parking and all associated site works and services at 25-26 Wadelai Green, Glasnevin, 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 residential zoning objectives for the area as set out in the Dublin City Development Plan 2011-2017, the planning history of the site and the pattern of development in area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not exacerbate flood risk in the area, would not be prejudicial to public health, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 information submitted to the planning authority on the 21st 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 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 revised such that no part of House type B is less than two metres from the eastern boundary. This may be achieved either by narrowing the footprint of House Type B or by replacing the two detached houses with a pair of semi-detached units. Details of the revised layout shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the residential amenities of properties along the eastern boundary of the site.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard,
 - (a) all flood risk mitigation measures proposed in the Further Information received by the planning authority on the 21st day of December, 2015 shall be implemented. Detailed designs in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development;
 - (b) the development shall be drained on a completely separate system with separate connections to the public and foul and surface water systems;
 - (c) the outlets from the development to the public surface water and foul sewers shall be provided with non-return valves.

Reason: In the interest of public health.

4. The two existing and two proposed houses within the site shall be single family occupancy only.

Reason: In the interest of clarity.

5. The entrance and driveway layout and dishing of footpaths shall be in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) provision of a 1.8 metre high boundary wall (as measured from the higher adjacent ground level) along the site perimeter to the rear of the existing dwellings,
 - (b) details of all proposed hard surface finishes, including the front gardens of both existing and proposed dwellings and including samples of proposed paving slabs/materials for footpaths and kerbing and road surfaces within the development,
 - (c) proposed locations of landscape planting in the development, and
 - (d) details of proposed boundary treatments at the site frontage and between rear gardens, including heights, materials and finishes and measures to protect the root zones of trees in adjoining gardens.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and comply with the requirements of condition number 3 of this permission.

Reason: In the interest of visual 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwellings and in the interest of the amenities of the area.

9. All en-suite bathroom windows at first floor level shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

10. 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.

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

12. The developer shall pay to the planning authority a financial contribution in respect of Metro North – Saint Stephen’s Green To City Boundary at Ballymun in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

13. 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 of roads, footpaths, drainage systems and boundary treatment 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 of the development.

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

Dated this day of 2016.