

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Dublin City

**Planning Register Reference Number: 2233/16**

An Bord Pleanála Reference Number: PL 29S.246508

**APPEAL** by Niall and Joan Loftus care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Donnybrook, Dublin and by Patrick and Lee McGuire care of Hamilton Young Architects of Paramount Court, Corrig Road, Sandyford Business Park, Dublin against the decision made on the 7<sup>th</sup> day of April, 2016 by Dublin City Council to grant subject to conditions a permission to Ian O'Grady care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Proposed new single storey general practice medical surgery building (102 square metres) and associated services, with pedestrian access gate from Mount Eden Road. Surgery areas in existing building (146 square metres) at ground and first floor levels to revert to residential use, at 115 Morehampton Road, Donnybrook, 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 historic use of the site, to the reversion of the parent house to residential use and the design of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the residential or visual amenity, would be acceptable in terms of traffic safety and convenience and 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 design changes made since An Bord Pleanála appeal reference PL 29S.244771 substantially addressed the concerns of the Board and that the proposal was appropriate to its setting.

## 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. The proposal shall be amended as follows:
  - (i) The monopitched roof shall be reduced in height at both ridge and eaves level by 500 millimetres.
  - (ii) The barge facing the public road shall be in timber painted to colour to be agreed with planning authority. Eaves and barge overhangs shall be no more than 250 millimetres.

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

3. The use of the existing dwellinghouse at number 115 Morehampton Road for non-residential use shall permanently cease prior to the first occupation of the proposed general medical surgery building.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. The development shall be carried out in such a manner as to ensure the adjoining streets are kept clear of debris, soil and other material and, should the need arise for cleaning works to be carried out on the public road, the said cleaning works shall be carried out at the developer's expense.

**Reason:** In the interest of road safety and amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 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.

6. 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.

7.
  - (a) The pedestrian entrance shall not have outward opening gates.
  - (b) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In order to prevent obstruction of the carriageway (public footpath), in the interest of the proper planning and sustainable development of the area and in the interest of clarity.

8. During construction and demolition phases, 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'.

**Reason:** In the interest of protecting residential amenities of neighbouring properties during the course of development.

9. 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.

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

**Dated this            day of            2016.**