

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3921/15**

An Bord Pleanála Reference Number: PL 29N.246643

**APPEAL** by Stanley Donnelly care of Rory Ryan Architects of 3 Clanwilliam Terrace, Dublin against the decision made on the 27<sup>th</sup> day of April, 2016 by Dublin City Council to grant subject to conditions a permission to Karen Benson care of AKM Consultants of Unit 9, First Floor, Trinity Court, Fonthill Business Park, Fonthill Road, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of remnants of former factory building and construction of two bedroom two-storey detached family dwelling, two car parking spaces, landscaping of site, new boundary walls, access gate and associated works, all at rear of 229 New Cabra 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 nature, scale and design of the proposed development, the configuration of the site and the existing character and pattern of development on and in the vicinity of the site, 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 visually integrate into the existing streetscape in a satisfactory manner and would provide for a satisfactory level of amenity for future occupants of the dwelling. 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, 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.
  - (a) The north facing landing and en-suite bathroom windows at first floor level shall be permanently maintained with obscure glazing.
  - (b) The first floor bedroom window shall be fitted and permanently maintained with angled louvres directed away from neighbouring dwellings. Details of this shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

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

3. Details of the layout, the materials, and external finishes of the screen walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwelling.

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

4. All boundary walls along the northern, southern and western boundaries and partly along the eastern boundary of the development site shall be 2.2 metres in height above ground level as measured on the higher ground. Walls shall be constructed in concrete block and capped and rendered on both sides unless otherwise agreed with the planning authority. Details shall be submitted to, and agreed in writing with, the planning authority, and prior to commencement of construction of the dwelling.

**Reason:** In the interest 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. The public footpath shall be dished in accordance with the requirements of the planning authority.

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

7. 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 Part 1 of Schedule 2 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** To allow for a planning review of possible future development proposals owing to the limitations of the site configuration and size.

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.

**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.**