

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2972/16

An Bord Pleanála Reference Number: PL 29N.247094

APPEAL by Jason Lawless of 112 Kincora Avenue, Clontarf, Dublin against the decision made on the 20th day of July, 2016 by Dublin City Council for permission for development comprising construction of a zinc clad dormer style window to the front elevation, erection of a gable to side elevation, retention of existing first floor study and balcony area and roof light to rear elevation and removal of planning condition number 3 and separation of two properties of previous granted planning application reference number 2722/01 and subsequent An Bord Pleanála order number PL 29N.127584, condition number 3, namely “The site of the granny flat shall not be physically separated from the curtilage of the main house and the granny flat shall not be sold or let as an independent living unit” and all ancillary site works, all at Number 112a Kincora Avenue, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the construction of a zinc clad dormer style window to the front elevation, erection of a gable to side elevation, retention of existing first floor study and balcony area and roof light to rear elevation and to refuse permission for separation of two properties of previous granted planning application reference number 2722/01 and subsequent An Bord Pleanála order number PL 29N.127584, condition number 3, namely “The site of the granny flat shall not be physically separated from the curtilage of the main house and the granny flat shall not be sold or let as an independent living unit”).

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 provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area and would integrate well with other properties in the vicinity. 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, retained 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, retained and completed with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall not be sold separately to the main residence.

Reason: In the interest of orderly development and in view of the limited open space available to the development.

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.

Reason: In the interest of public health and to ensure a proper standard of development.

4. The proposed dwelling shall be used as a single residential unit. The unit permitted is a one-bedroom unit and the space at attic level shall not be used for habitable purposes.

Reason: In the interest of clarity.

5. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), no extensions, garages, stores, offices or similar structures shall be erected within the curtilage of the site, without a prior grant of planning permission.

Reason: In the interest of amenity and to ensure a satisfactory standard of open space be retained for the proposed dwelling.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. 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 amenities of property in the vicinity.

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 the 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

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

Dated this day of 2016.