

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2901/16

An Bord Pleanála Reference Number: PL 29S.247316

APPEAL by John and Anne Larkin care of Anthony O'Beirne and Associates of Unit 1H, KCR Estate, Ravensdale Park, Kimmage, Dublin and by others against the decision made on the 31st day of August, 2016 by Dublin City Council to grant subject to conditions a permission to John and Ann Ryan care of Brian O'Donoghue of 62 Gilford Road, Sandymount, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two semi-detached two-storey mews dwellings, move one number vehicular entrance and create one number vehicular entrance at Tritonville Lane to rear of 29 Sandymount 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 location of the proposed development in a built up area and on a site zoned for residential purposes, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area, would not detract from the character of the adjoining residential conservation area, would be acceptable in terms of traffic and pedestrian safety and convenience and 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 plans and particulars submitted on the 4th day of August 2016, 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 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. Prior to commencement of development, a sample of the brick finish to be used on the external walls of the houses and the boundary walls of the site shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. The en-suite, bathroom and dressing room windows at first floor level in the north-west and south-east elevations shall be permanently fitted and maintained with obscure glazing.

Reason: To prevent overlooking of adjoining residential property.

4. The side passages shown adjacent to the garages on drawing numbers 3136/07B, 3136/11B, and 3136/12 received by the planning authority on the 4th day of August, 2016 shall be omitted from the scheme. The garages and dwellings shall be positioned centrally on the site and directly adjacent to each other. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of privacy.

5. Prior to commencement of development the developer shall submit to and agree in writing with the planning authority a landscaping plan showing proposals for screen planting, which shall comprise native species (to include details of species, variety, number and spacing) to be provided along the rear and side boundaries of the site. The scheme shall not include cupressocyparis x leylandii.

Reason: In the interests of residential and visual amenity.

6. The driveway entrances shall be at least 2.5 metres and shall not exceed 3.6 metres in width and shall not have outward opening gates.

Reason: In the interest of traffic safety.

7. Water supply and drainage arrangement, 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.

8. Site development and building works shall be carried out only between the hours of 0700 and 1800 hours Monday to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

9. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

Reason: In the interests of amenities, public health and safety.

10. 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.

11. 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 satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 agreement.

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 2017.