

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3000/16

An Bord Pleanála Reference Number: PL 29S.247463

APPEAL by John and Mary O'Connor and Sheila Boden care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 30th day of September, 2016 by Dublin City Council to grant subject to conditions a permission to Eugene and Virginia O'Reilly care of E.M. Doyle and Associates of 22 Oak Hill, Lamberton, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing two-storey four bedroom dwellinghouse with a ground floor level of 11.768 and ridge level of 20.495 with a total floor area of 243 square metres and the construction of a two-storey three bedroom dwellinghouse with a ground floor level of 11.613 and a ridge height of 20.65 and a total floor area of 303.6 square metres and 35.2 square metres attic space (non-habitable). Iron railing balconies to be provided to first floor bedroom windows on front elevation and a glazed balcony to be constructed at first floor level to the rear elevation. A dormer window will also be provided to front roof to provide natural light to non-habitable attic space. Planning permission is also sought for the construction of a single storey boiler shed measuring 5.76 square metres and a single storey garden shed measuring 21.7 square metres. Planning permission is also sought to render the existing front boundary wall and provide railings above this wall to a total height of 1.80 metres and alter front vehicular entrance width and set back gate from edge of road from 2.72 metres to 5.53 metres and widen from 2.73 metres to 3.50 metres with electrified iron gates to a height of 1.80 metres. All at 45 Nutley Avenue, 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 pattern of development in the vicinity of the site and to the nature, scale and extent of the proposed development, and having regard to the provisions of the current Development Plan for the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity, would comply with the provisions of the Development Plan, 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 plans and particulars submitted on the 16th day of September, 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 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 amended as follows:-

The proposed dormer window in the rear roof plane of the roof of the proposed house shall be omitted, and shall be replaced by a rooflight which shall be located such that the lower frame of the rooflight is not less than 1.6 metres above the finished level of the attic floor.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenities of adjoining property, and in the interest of visual amenity.

3. The flat roof to the rear of the proposed house shall not be used as a balcony or as private open space, and no access shall be made or facilitated to this area from the house other than for maintenance purposes.

Reason: In the interest of protecting the residential amenities of adjoining property.

4. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. Site development and building works shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays excluding bank holidays and between 08.00 hours and 13.00 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities of adjoining properties.

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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

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 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.

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

Dated this day of 2017.