



An
Bord
Pleanála

Board Order
PL 29S.247868

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council

Planning Register Reference Number: 4001/16

Appeal by the Rathgar Residents Association care of Post Office Box 9574, Dublin against the decision made on the 15th day of December, 2016 by Dublin City Council to grant subject to conditions a permission to Cairn Homes Public Limited Company care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Amendments to planning register reference number 2186/09 (An Bord Pleanála appeal reference number PL 29S.234927) for a residential and crèche development at a 2.35 hectare site. The proposed amendments to the permitted development comprise of the provision of roof gardens to permitted apartment blocks A, B and C to serve the permitted apartments at fourth floor level of the permitted blocks. The proposed development includes the provision of stair access enclosures and hard and soft landscaping at roof level, and internal amendments to the permitted apartments of fourth floor level of blocks A, B and C to provide stair access to roof level. The proposed development includes all associated and ancillary works, all on lands at Marianella, 75, Orwell Road, Rathgar, 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 zoning objective for the site, the nature and scale of the proposed development, the current use on the site and the policies of the current Dublin City Development Plan, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area or have a negative impact on the character and setting of any conservation area or protected structure. 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. The landscaping scheme shown, as submitted to An Bord Pleanála on the 14th day of February, 2017 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) All trees and hedgerows used in the planting scheme shall be semi-mature.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

