



An  
Bord  
Pleanála

## Board Order PL 29S.248241

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### Planning and Development Acts 2000 to 2016

**Planning Authority: Dublin City Council.**

**Planning Register Reference Number: 4451/16.**

**Appeal** by Paul Mitchell and Catherine Brady of 81 Charleville Close, Rathmines, Dublin against the decision made on the 24<sup>th</sup> day of February, 2017 by Dublin City Council to grant subject to conditions a permission to Ann Dalby care of Michael Kelly of 45 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Partial demolition of the existing garage, the construction of a two-storey (plus attic accommodation) house with a pitched roof over the main front part and flat roof with a sedum finish over the single storey rear part, with one car parking bay and associated landscape works, all at Number 77 Charleville Close, Rathmines, Dublin (rear of Number 149 Leinster Road, Rathmines, Dublin (Protected Structure)).

### 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 site size and configuration of existing and permitted development along Charleville Lane and to the layout, footprint, scale and height of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be satisfactorily integrated into the established pattern and character of development in the area, would not seriously injure the residential amenities of adjoining and surrounding residential properties by reason of adverse visual impact, overdevelopment, overlooking and overshadowing, would provide for a satisfactory standard of residential development and amenity for future occupants and would be acceptable in terms of traffic safety and conveniences. 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. 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 Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In the interest of the residential amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual and residential amenities of the area.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 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 the interest of the residential amenities of property in the vicinity.

6. 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                              2017**