



An
Bord
Pleanála

Board Order
PL 29S.248883

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2139/17

Appeal by Patrick and Noreen Rice care of Doyle Kent Planning Architecture Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 21st day of June, 2017 by Dublin City Council to grant subject to conditions a permission to Concept Fusion Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Conversion of the property from six number self-contained apartment units to provide for two number four-bedroom family dwellings. Works will comprise: (i) demolition of the existing building including rear extensions, except the front façade (elevation facing Serpentine Avenue) which will be retained; (ii) construction of two number four-bedroom family dwellings comprising the re-construction of the two-storey building and roof in its original form and height, and to include a two-storey rear extension with dormer level accommodation; (iii) additional entrance door on front elevation; (iv) alteration to the vehicular entrance on Serpentine Avenue to provide a separate vehicular entrance and one number on-curtilage car parking space for each dwelling; in addition to a new plinth wall and railing to the remainder of the front boundary of both dwellings; (v) private garden to the rear of each dwelling; landscaping; roof light on flat roof section of rear extension of both dwellings; boundary treatments and all other ancillary works necessary to facilitate the development at 17 Serpentine Avenue, Ballsbridge, Dublin as amended by the further public notice received by An Bord Pleanála on the 22nd day of January, 2018.

Decision

GRANT permission 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 2016-2022 and to the nature and scale of the proposed development for retention and construction, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. 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. For the avoidance of doubt, the development shall be constructed in accordance with plans and particulars that were received by the planning authority on the 29th day of May 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. The development shall be amended as follows:
 - (a) The second floor extensions at both properties shall be omitted in their entirety.
 - (b) The first floor extensions at both properties shall be set back two metres from the ground level rear elevations.

The developer shall submit revised drawings, including elevations and floor plans, to the planning authority for written agreement before development commences.

Reason: In the interest of visual and residential amenity.

4. The developer shall submit to the planning authority, within three weeks of the grant of this order, a full structural engineering survey (undertaken by a suitable qualified structural engineer) of the appeal site, particularly its interface with the adjacent property number 19. The developer shall submit to, and agree in writing with, the planning authority, a detailed construction methodology which details the methodology to be employed for works adjacent to Number 19, prior to the commencement of construction works on site.

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

5. The following Roads and Traffic Planning Division requirements shall be complied with:
 - (a) Any alterations to the public road network including removal and/or relocation of on-street spaces shall be agreed in writing with the planning authority. Works shall be carried out at the developer's expense.

- (b) The driveway entrance shall be at least 2.5 metres or at most 3.6 metres in width and shall not have outward opening gates.
- (c) One number car parking space per dwelling shall be provided in the front garden area.
- (d) Footpath and kerb shall be dished and new entrance shall be provided to the requirements of the Area Engineer, Roads Maintenance Department.
- (e) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of the proper planning and sustainable development of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

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

7. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

8. 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 public safety and residential amenity.

9. Site development and building works shall be carried out between the hours of 0800 to 1800 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

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.

