

Board Order PL 29S.248932

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2440/17

Appeal by Philomena Fyfe of 21 Herbert Mews, Ballsbridge, Dublin and by Argenta Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 3rd day of July, 2017 by Dublin City Council to grant subject to conditions a permission to Seamus and Yvonne Reddan care of Audrey O'Flaherty Architects of 32 Nassau Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a contemporary one bedroom mews dwelling, two-storey with attic accommodation; one number internalised parking space; rooflights to front and rear of dwelling; sedum green roof; four square metres garden store to rear; 38 square metres private open space to rear and all associated ancillary works necessary to facilitate the development. Permission is also sought for the demolition of timber garden awning/store, all to the rear of number 137 Tritonville Road (Herbert Mews), Sandymount, 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 provisions of the Dublin City Development Plan 2016 to 2021,

and to the nature, and scale of the proposed development, 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, would not

be prejudicial to public health, 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, as amended by the further

plans and particulars submitted on the 9th day of June, 2017, 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.

 The car parking space for the mews dwelling shall be kept free from obstruction at all times for the use by the occupier of the dwelling and shall not thereafter be used for any other purpose other than for the parking of vehicles.

Reason: To ensure the provision of adequate off-street parking and traffic safety.

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

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays 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.

5. 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 be erected on the within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

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.

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

Dated this day of 2018

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