



An
Bord
Pleanála

**Board Order
PL 29S.249016**

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2927/17

Appeal by Highfield Grove Residents Association care of Cathy Booth of 20 Highfield Grove, Rathgar, Dublin against the decision made on the 10th day of July, 2017 by Dublin City Council to grant subject to conditions a permission to John Purcell care of Box Architecture Limited of Top Floor, 2 Wexford Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a garage and construction of a two-storey over basement dwelling within the curtilage of a protected structure, with modifications to existing boundary walls and landscaping, provision of vehicular and pedestrian access from Highfield Grove and associated site works, all in the rear garden of number 12 Highfield 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 'Z2' for the area as set out in the Dublin City Development Plan 2016-2022, the pattern of residential development in the area and the planning history relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact negatively on the character and setting of the Protected Structure or on the residential or visual amenities of the Residential Conservation Area, would be acceptable in terms of traffic safety and convenience and would not pose an unacceptable risk of flooding. 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 conditions 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. Details of the materials, colours and textures of all the external finishes of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All internal basement drainage shall be lifted via pumping to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer. Details of the drainage system for the entire site, which shall incorporate storm management measures and Sustainable Urban Drainage Systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to reduce the risk of basement flooding.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

6. 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. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite/disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. Apart from the PV panels shown on the drawings submitted, no further structures of any kind (including water tanks/enclosures) shall be erected on the roof of the proposed development.

Reason: In the interest of visual amenity.

8. The grass roofs shall not be used as sitting out areas.

Reason: In the interest of residential amenity.

9. 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