



An  
Bord  
Pleanála

## Board Order PL 29N. 249017

---

### Planning and Development Acts 2000 to 2017

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2280/17**

**Appeal** by Patricia Crosbie and Thérèse Bohan of 128 Castle Avenue, Clontarf, Dublin and by others against the decision made on the 20<sup>th</sup> day of July, 2017 by Dublin City Council to grant subject to conditions a permission to Martin Dufficy care of Adrian Hill Architects of 13 The Seapoint Building, 44-45 Clontarf Road, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (A) The demolition of the existing shed and widening of the existing entrance at number 134 Castle Avenue. (B) The construction of three number new three bedroom two-storey dwelling mews houses with associated roof lights. (C) The provision of a new access road and associated footpath. (D) New boundary treatment to the rear of houses numbers 134 and 136 Castle Avenue. (E) All associated site and infrastructural works including foul and surface water drainage, surface car parking, landscaping (hard and soft), boundary treatment to the rear of houses numbers 134 and 136 Castle Avenue. All at numbers 134 and 136 Castle Avenue, Clontarf, 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 area, the proximity to adjoining properties and to the development plan policy regarding backland development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity or character of the area or the residential amenity of property in the vicinity, would not give rise to flood risk and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed backland development of three houses, the design response proposed, and the proximity to boundaries, would be acceptable. The proposed development would not constitute overdevelopment, would be in accordance with the policies of the current Dublin City Development Plan and would not seriously injure the amenities of property in the vicinity.

## **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 to the planning authority on the 23<sup>rd</sup> 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.

2. Prior to commencement of development, the developer shall enter into an agreement with the planning authority, pursuant to Section 47 of the Planning and Development Act, 2000, which shall allow for provision of shared access onto the proposed access way onto Castle Avenue. This shared access shall make provision for facilitating the possible future development of lands to the south of the proposed development as indicated on the original planning application submission, and also to the north of the proposed development.

**Reason:** In the interest of co-ordinated development.

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

**Reason:** In the interest of visual amenity.

4. The proposed car parking spaces located to the front of House Number 3 shall be removed.

**Reason:** In the interest of orderly development and to facilitate potential future development of neighbouring lands.

5. No flat roofed area shall be used or accessed as a roof garden/patio.

**Reason:** In the interest of residential amenity.

6. The development shall comply with the following requirements of the planning authority:
  - (a) The proposed new vehicular entrance and access road shall be used only to serve the three new houses. Any future housing development off the access road shall require the vehicular access and laneway to comply with the requirements of the planning authority.
  - (b) Prior to commencement of development, the developer shall contact the Parks Department of the planning authority to request the removal of the existing tree on the public footpath outside number 134 Castle Avenue, if required to facilitate the widening of the vehicular entrance. All works shall be at the developer's expense.
  - (c) The footpath and kerb shall be dished and a new/modified entrance shall be provided to the requirements of the planning authority.
  - (d) 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.

**Reason:** In the interest of visual amenity.

7. 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.

**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 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Prior to commencement of development, proposals for a name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. 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    2018**