



An
Bord
Pleanála

Board Order

PL 29N.249043

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2977/17

Appeal by James C Cahill of 26 The Meadows, Howth Road, Dublin against the decision made on the 17th day of July, 2017 by Dublin City Council to grant permission to MKN Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin for development comprising amendments to the permitted development (planning register reference number 4242/15; An Bord Pleanála reference PL29N.246250 refers) at 0.53 hectares site at Sybil Hill Road, Raheny, Dublin, bounded by Saint Paul's School to the south, Sybil Hill Road to the west, The Meadows residential development to the east and north and the Kare Social Services Centre to the north. The site formerly incorporated number 1, 1A and 1B Sybil Hill Road (and lands to the rear of same). The proposed amendments consist of: (i) the provision of two number additional units (comprising one number two-bed unit and one number three-bed unit) at fourth floor level of Block A (fronting Sybil Hill Road in the western area of the application site) resulting in an overall unit mix in Block A of four number one-bed units, 42 number two-bed units and five number three-bed units, provision of balconies/terraces to serve the proposed units to the western elevation of Block A, fronting Sybil Hill Road; (ii) provision of one number additional two-bed unit and one number change of unit type from three-bed unit to two-bed unit at third floor level of Block B (in the southern area of application site) resulting in an overall unit mix in Block B of six number one-bed units and 14 number two-bed units, provision of balconies/terraces to serve these units on the south and west elevations of Block B; (iii) minor elevational changes to Block A and B and all

ancillary and associated site development and landscaping works. The proposed amendments will provide for an additional three number units, increasing the overall number of units within the development from 75 number to 78 number residential dwellings (71 number apartments and 7 number houses) in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for modifications at third floor level to Block B to provide one number additional two-bed unit and a change of use from a three-bed to a two-bed unit and the provision of balconies/terraces on the south and west elevations to serve these units in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for fourth floor extension to Block A to provide two number additional units (one number two-bed and one number three-bed unit) with balconies/terraces on the western elevation to serve these units based on the reasons and considerations marked (2) under

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.

In deciding not to accept the Inspector's recommendation to grant permission for the additional units in Block A, the Board considered that the additional units at roof level would result in a more monolithic frontage of the proposed development onto Sybil Hill Road which would seriously injure the visual amenities of the area. Furthermore, the Board considered that the resultant loss of communal open roof space as compared to the original permitted development would seriously injure the residential amenity of future occupants. The proposed development would, therefore not, be in accordance with the proper planning and sustainable development of the area.

Reasons and Considerations (1)

Having regard to the zoning objective, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, 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.

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 interests of clarity.

2. All conditions of the parent permission planning register reference number 4242/15 (An Bord Pleanála appeal reference PL29N.246250) shall be complied with save as amended by this permission.

Reason: In the interests of orderly development.

3. The developer shall pay the sum of €4,000 (four thousand euro) per additional residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of public open space. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

4. 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.

