



An  
Bord  
Pleanála

**Board Order  
PL 29N.249256**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1326/17**

**Appeal** by Gráinne O’Hanlon and others of 4 Iona Villas, Glasnevin, Dublin against the decision made on the 17<sup>th</sup> day of August, 2017 by Dublin City Council in relation to the application by Zapme Utilities care of Robin Mandal Architects of The Courtyard, 40 Main Street, Blackrock, County Dublin for permission for development comprising the subdivision into two dwellings of number 53 Marguerite Road, Glasnevin, Dublin; partial demolition of the existing dwelling; construction of single-storey extensions to the rear of each part, remodelling of the existing return, construction of a new return, new dormer windows to the rear roof of both proposed dwellings; the conversion of the existing workshop to the rear to a detached two-storey dwelling, including the construction of a first floor and first floor terrace and provision of off-street car parking in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the subdivision of the existing house to two number houses with rear extensions, rear dormer extensions and changes to the front elevation and to refuse permission for the conversion of the existing single storey workshop to a two-storey house).

### **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 objectives for the area and pattern of development in area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety, public health 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 interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans showing the following details:
  - (a) The omission of the conversion of the structure at the rear of the subject site from workshop into a residential unit.
  - (b) The provision of private open space of no less than 60 square metres for each of the proposed dwellings number 53 and number 53a Marguerite Road.

In default of agreement of any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of protecting the residential amenity of existing and adjoining properties.

3. 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 take place within the curtilage of the house or shall be erected within the rear garden area or the existing workshop 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 two proposed dwellings.

4. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

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

7. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

