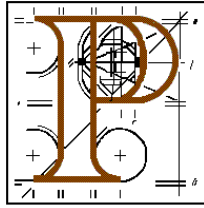


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dublin City

Planning Register Reference Number: 3690/17

An Bord Pleanála Reference Number: ABP-300154-17

APPEAL by TDL Limited care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin against the decision made on the 13th day of October, 2017 by Dublin City Council to refuse permission for development comprising changes to approved design under planning register reference number 3887/15. The original permission is for houses numbers 1 to 9. Houses numbers 1 to 4 are substantially completed. The changes proposed to the approved design are: (a) Houses numbers 1-4 (terrace facing Collins Avenue) have had rear gardens reduced in length, (b) House number 5 (detached house at rear of site) has been redesigned from detached one and a half storey 92 square metres three bedroom to detached two storey 128 square metres three bedroom house, (c) Houses numbers 6-9 (terrace of four number houses at rear of site) have been redesigned from four number one and a half storey 92 square metres three bedroom houses with dormer windows to four number two storey plus attic accommodation 139 square metres three bedroom houses with dormer windows and (d) ancillary site works to the above including increase in car parking areas for Houses numbers 5-9 from 7 number spaces to 10 number spaces, all at 188-190 and rear of 192 Collins Avenue, Whitehall, Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for reduction in garden lengths of Houses 1-4 (terrace facing Collins Avenue) and redesign of Houses 6-9 (terrace of four houses to rear of site) 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 redesign of House 5 (detached at rear of site) from one a half storey 92 square metres two bedroom house to detached two storey 128 square metres three bedroom house 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.

Reasons and Considerations (1)

Having regard to the “Z1” zoning objective applicable to the site, and to the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions below, the redesign of Houses 6-9 and the reduction in length of the gardens of Houses 1-4 would not seriously injure the visual amenities of the area or residential amenities of property in the area, and would comply with the relevant standards of the Dublin City Development Plan 2016-2017 for this type of development. 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 received by An Bord Pleanála on the 9th day of November, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission planning register reference number 3887/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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. 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.

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 take place within the curtilage of any house on site 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 each 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 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.

Reasons and Considerations (2)

In deciding to refuse the redesign of House 5, the Board considered that the revised design by reason of its wide two-storey western elevation and its inadequate provision of private open space that would be overlooked from adjoining property or overshadowed from screening, would be an inappropriate form of development at this location and would represent significant overdevelopment of this part of the site. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.