

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dublin City**

**Planning Register Reference Number: 3153/17**

An Bord Pleanála Reference Number: ABP-300201-17

**APPEAL** by Eagle Hill Avenue and Terenure Road North Residents care of Donal O’Connell of 3 Summerville Park, Rathmines, Dublin and by others against the decision made on the 20<sup>th</sup> day of October, 2017 by Dublin City Council to grant subject to conditions a permission to Seabren Developments Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of the demolition of the existing multi-residential unit single storey and part dormer dwelling, separate detached unit and outbuilding at 63 Terenure Road North and clearance of lands to rear of Number 65 Terenure Road North; and the construction of four number three-storey dwellings, consisting of a pair of semi-detached three-bedroom three-storey dwellings bounding and to be accessed from Terenure Road North; and a pair of semi-detached three bedroom three-storey dwellings to the rear of Numbers 63 and 65 Terenure Road North and to be accessed from Eagle Hill Avenue. The development will be served by six number car parking spaces. The houses fronting Terenure Road North will be served by two number car parking spaces to the front. The houses to be accessed off Eagle Hill Avenue will be served by three number car parking spaces plus an additional space to serve the houses along Terenure Road North. The development will include all associated landscape and site development works including new footpath along Eagle Hill Avenue, all on a site at 63 and to the rear of Number 65 Terenure Road North and bounding Eagle Hill Avenue, Terenure, 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 location of the site on zoned lands and to the layout of the proposed development, 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, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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 submitted on the 25<sup>th</sup> September 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 details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of orderly development and visual amenity.

3. Prior to commencement of development, details of a soft and hard landscaping scheme and boundary treatment details for the site shall be submitted to, and agreed in writing with, the planning authority. All rear garden boundaries shall consist of walls 1.8 metres in height, of brick or of concrete block, rendered on both sides and capped. Post and timber panel fences shall not be used.

**Reason:** In the interests of residential amenity and durable boundary treatment.

4. Access to roof terrace shall be restricted to escape and maintenance purposes only.

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

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. Entrance from the public road and the internal road network serving the development including turning bays, parking areas, footpaths, verges and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interests of amenities and public safety.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

9. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority to a plan containing details for the management of waste within the development.

**Reason:** In the interests of the residential and visual amenities of the area.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

11. 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 off-site disposal of construction and demolition waste.

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

12. The development shall be carried out in accordance with the taking-in-charge policy of the planning authority and shall be maintained by the developer until taken in charge by the planning authority. No private management company shall maintain the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 the Board 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 Contributions Scheme made under section 48 if the Act be applied to the permission.

14. 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 of roads, footpaths, water mains. Drains, 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 of any part of the development until taken in charge by the planning authority. 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 of the development.

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

**Dated this            day of            2018.**