



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3059/17

Appeal by Jacinta Clarke and others care of 9 Villa Park Road, Navan Road, Dublin against the decision made on the 17th day of November, 2018 by Dublin City Council to grant permission to Donal Tuttle care of O'Dea ad Moore Architects of 9 Castlewood Park, Rathmines, Dublin for development comprising modifications to previously approved residential development permission (reference number 2008/17) as follows: (1) Addition of a partial basement area (49 square metres) to approved new house at 11a, and (2) Addition of attic windows to front of existing and new houses (11 and 11a), all at 11 Villa Park Road (on corner with Villa Park Gardens), Navan Road, Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for addition of a partial basement area (49 square metres) to approved new house at 11a Villa Park Road 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 addition of attic windows to front of existing and new houses (11 and 11a Villa Park Road) 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 nature and scale of development proposed and the surrounding existing development, it is considered that, subject to compliance with the conditions set out below, the proposed basement development would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z1 'to protect, provide and improve residential amenities' and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The basement element of the development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted the 24th day of October 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Apart from the modifications permitted on foot of this decision, the development shall otherwise be carried out in accordance with the terms and conditions of planning permission register reference number 2008/17 amending planning permission register reference number 2536/15.

Reason: In the interest of clarity.

3. All proposed flood risk mitigation measures detailed in the Flood Risk Assessment Report prepared by Tygro Consulting Engineers Limited, submitted as further information, shall be implemented in full.

Reason: To address flood risk arising from and/or in the development.

4. 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.

5. The developer shall pay to the planning authority a financial contribution of 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 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. The application of any 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 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)

Having regard to the pattern of development in the area and in particular to the absence of windows at roof level on the terrace of properties fronting onto Villa Park Road or other properties in the vicinity of the proposed development, and to the fact that the proposed development, as approved, provides for windows at attic level for both 11 and 11a, the Board did not consider that the visual impacts on the terrace of houses were acceptable. The Board therefore, considered that this element of the proposed development would be visually intrusive and would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the attic windows to the front of 11 and 11a, the Board considered that the visual impacts on the amenities of the area could not be justified in the context where the windows were not essential for the provision of natural light as the proposed development as approved provided for windows at attic level. The Board therefore considered that this element of the proposed development was not in accordance with 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.