



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4384/17

Appeal by Carlisle Avenue Management Company Limited by Guarantee care of Future Analytics Consulting of 23 Fitzwilliam Square South, Dublin against the decision made on the 31st day of January, 2018 by Dublin City Council to grant subject to conditions a permission to John, Ruth and Richard Rock care of GVA Planning and Regeneration Limited of Second Floor, Seagrave House, 19 to 20 Earlsfort Terrace, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of domestic garages to rear of and construction in its place of a two-storey two-bed mews dwelling with first floor terraces, hard and soft landscaped garden area and a single off-street car parking space. Demolition of a single-storey rear return extension and masonry shed at the rear of 63 Marlborough Road, a Protected Structure. Minor internal alterations to 63 Marlborough Road along with alterations to the existing boundary wall to Carlisle Avenue to provide separate pedestrian and vehicular entrances, hard and soft landscaping and all associated site works, all at 63 Marlborough Road, and the garages at Carlisle Avenue, Donnybrook, Dublin (Protected Structure).

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 pattern of development in the vicinity and to the nature, scale and design of the proposed residential building, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, would not unduly detract from the setting of neighbouring protected structures or the wider Conservation Area, would represent an appropriate form of residential development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular 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, 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. The proposed first floor terrace on the southern elevation shall have opaque glass on the southern elevation at a height of no less than 1.8 metres.

Reason: To prevent overlooking of adjoining residential properties.

3. Revised plans showing a car port of no less than five metres in length, to allow for the safe accommodation of a parked car shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

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: To ensure adequate servicing of the development, and to prevent pollution.

5. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays inclusive, between 0800 and 1400 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.

6. 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 the “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.

7. 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 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.

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

Dated this day of 2018.