



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1473/17

Appeal by Mary Walsh and others care of Kieran O'Malley and Company Limited, Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 7th day of February, 2018 by Dublin City Council to grant subject to conditions a permission to Mary Keating care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a 27 square metre one-storey garage. Construction of one 153 square metre, 2.5 storey over ground level (three-storey total) detached dwellinghouse with underground basement to the side of an existing dwelling house. Alterations to the existing boundary wall to form a new car entrance off Rathdown Villas. Two new car parking spaces onsite. Connection to public water and foul networks. All ancillary sewerage, drainage, landscaping and ancillary works at number 9 Rathdown Villas, 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 proposed development on a cul de sac at the interface between the well-established residential area and a more recent infill development, and on the periphery of the Z2 residential conservation area as set out in the Dublin City Development Plan 2016-2022, the Board considered that the infill proposal at this site would integrate in a satisfactory manner with the existing pattern of development. Furthermore, it is considered that the high quality of the design would contribute positivity to the architectural quality and amenity of the area and would comply with policy CHC4 of the current development plan for the area. The proposed development subject to compliance with the conditions set out below, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the design responded well to the site's characteristics and did not consider that the proposed development would seriously injure the visual character and architectural coherence of the residential conservation area and would not be overbearing, visually obtrusive or injurious to adjacent properties. The standard of private open space for the proposed dwelling was considered acceptable.

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 to the planning authority on the 15th January 2018, 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. 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.

3. Details of the materials, colours and textures of all the external finishes to

the proposed dwellings and including details of paving and boundary treatments, 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. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 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 adjoining property in the vicinity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

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.

Eugene Nixon

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

Dated this day of 2018.