



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4431/17

Appeal by Eugene and Barbara Langan care of Denis Byrne Architects of 26 North Great George's Street, Dublin against the decision made on the 7th day of February, 2018 by Dublin City Council to grant subject to conditions a permission to Nicole Muldoon of 14 Broadfield Manor, Rathcoole, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the construction of a new two-storey dwellinghouse and all associated site works and service connections adjoining the existing house at 8 Great Western Avenue, Phibsborough, 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 its nature, scale and location, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z1, as set out in the Dublin City Development Plan, 2016-2022, "To protect, provide for and improve residential amenities", and would 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. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority revised details and drawings showing all bedrooms with a minimum floor area of at least 7.1 square metres and at least one number bedroom with a minimum floor area of at least 13 square metres.

Reason: In the interest of sustainable development.

3. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority revised details and drawings showing:
 - (a) a pedestrian entrance, only, provided to the front site boundary, the width and design of which shall match, in so far as is practicable, that of the existing entrance to the front of number 8 Great Western Avenue,
 - (b) minimising, as much as is practicable, of the proposed gap between the southern end of the proposed dwelling and the northern end of the neighbouring dwelling number 7 Great Western Avenue, as viewed from the front and rear elevations.
 - (c) the details of materials, colours and textures, including samples, of all external finishes to the front elevation and roof of the dwelling.

Reason: In the interest of visual amenity.

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. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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: To safeguard the amenities of property in the vicinity

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 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.

7. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.