

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dublin City

Planning Register Reference Number: 4512/17

An Bord Pleanála Reference Number: ABP-301198-18

APPEAL by Michael McGuinness care of John O'Neill and Associates of 1 Irishtown Road, Dublin against the decision made on the 16th day of February, 2018 by Dublin City Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Development comprising the provision of ancillary family accommodation (44 square metres), by the replacement of the existing flat roof garage/shed (34.5 square metres) with an existing roof height of 2.9 metres above laneway fronting onto Kenilworth Lane West, with a new pitched roof (right height 5.6 metres above laneway) and associated general renovations to include a mezzanine loft with velux rooflight. The works include the demolition of an existing ground floor bathroom extension (5 square metres) in the main house to facilitate a single-storey link corridor (12.7 square metres) to development, development all at 14 Leinster Road West, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 of the site, to the nature, scale and extent of the proposed development, and to the provisions of the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would be consistent with the provisions of the Development Plan. 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 the 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 existing dwellinghouse and the proposed development shall remain in single ownership. The proposed development shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwellinghouse.

Reason: To restrict the use of the proposed development in the interest of residential amenity.

3. 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.

4. Site development and building works shall be carried out between 0800 hours and 1800 hours Mondays to Fridays inclusive, between 0800 hours 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 amenities of property in the vicinity.

5. 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 proposed development.

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

6. All boundary treatments shall be carried out in accordance with the plans and particulars lodged with the application.

Reason: In the interests of residential and visual amenity, and to ensure the provision by the developer of durable boundary treatment.

7. The development 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 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.

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

Dated this day of 2018.