



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4429/17

Appeal by Rachel Rossney and Paddy Baxter of 48 Dollymount Avenue, Clontarf, Dublin against the decision made on the 1st day of May, 2018 by Dublin City Council to grant subject to conditions a permission to Dollymount Avenue Partnership care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention for the partial demolition of a habitable dwelling, comprising a two-storey eastern edge (front, side, rear and associated roof) together with the demolition of existing single storey flat roof extension to the rear (overall circa 67 square metres), which was required to accommodate the widening of the adjoining laneway. Retention is also sought for a new two-storey gable wall (including window) to modified Number 50. The widened laneway involving the partial demolition, extension and reconfiguration of 50 Dollymount Avenue was previously permitted under planning register reference number 4203/06x1. This permission withered before the development at Number 50 Dollymount Avenue could be completed. The widened laneway has subsequently also been permitted

under planning register reference number 3521/12, and those works are complete and the laneway is now operational. Permission is further sought for the completion, alteration and extension to the existing house so as to provide a two-storey two-bed end of terrace house, to include a new double height bay window feature to the front elevation, reconfiguration of fenestration to reflect proportions of the altered house, adjustments to the roof profile, construction of a new single storey rear extension with velux windows in the roof (circa 29.5 metres), and provision of a new side garden/boundary wall of approximately 2.3 metres in height, rising to approximately 3.575 metres in height nearest the house. Permission is also sought for the relocation of the vehicular access to provide new access (approximately 2.65 metres wide) from Dollymount Avenue at 50 Dollymount Avenue, Clontarf, 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 pattern of development in the area, which includes a varied architectural style, together with the planning history for the site which has permitted the narrowing of Number 50 Dollymount Avenue to provide access to back lands for residential development and to the proposed design and façade treatment, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with development plan policy with respect to the integration with the streetscape and would be acceptable in terms of residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of April, 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. The proposed bay window shall be in accordance with the revised design submitted on the 5th day of April, 2018 to the planning authority as part of further information.

Reason: In the interest of clarity.

3. The tree on the pavement to the front of the house shall be retained and measures for its protection during construction shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of visual and residential amenity.

4. The proposed finish to the dwelling shall be pebble-dash, such that it harmonises with the adjoining house. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. The proposed vehicular access to the site shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. 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.

9. 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: In order to safeguard the residential amenities of property in the vicinity.

10. 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.

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

Dated this day of 2018.