



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2551/18

Appeal by Aileen Griffin care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 15th day of May, 2018 by Dublin City Council in relation to the application by the said Aileen Griffin for permission for development comprising (i) external alterations to the existing part three, part two, part single storey dwelling comprising demolition of single storey extensions to the rear and bay window on north-east side elevation at first floor level; blocking up of one window on north-east elevation at ground floor level, alterations to fenestration detail to rear element at ground floor level and first floor level and demolition of outbuildings, (ii) construction of a three-bedroom, three-storey, contemporary style detached dwelling to the side of the existing dwelling on the site; new vehicular entrance on Kincora Road with sliding timber gate, two number on-curtilage car parking spaces; new pedestrian gate on Kincora Road; boundary treatment, landscaping, SUDs drainage, and (iii) all ancillary works necessary to facilitate the development, all at Strand House, 316 Clontarf Road, Clontarf, Dublin in accordance with the plans and particulars lodged with the said planning authority (which decision was to grant subject to conditions a permission for the demolition of single storey extensions to the rear, the blocking up on one window on north-east elevation at ground floor level,

alterations to fenestration detail to rear element at ground floor level and demolition of outbuildings and to refuse permission for the construction of a three-bedroom, three-storey, contemporary style detached dwelling to the side of the existing dwelling, new gateways and associated works and the removal of oriel bay window on north-east side elevation at first floor level of the existing dwelling).

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 site on a large corner site in a residential urban area and to the policies and objectives for infill housing, as set out in the Dublin City Development Plan, 2016-2022 and the national planning framework, to the nature, scale and design of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety, would not detract from the architectural character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 dwelling shall be modified at ground and upper floors and revised drawings incorporating the following amendments shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development on site:

- (a) The area marked on the drawings as 'covered area' to the rear of the proposed dwelling shall be omitted.
- (b) The proposed bedroom windows in the rear elevation shall be modified to restrict overlooking of the permitted dwelling on the adjacent site.

Reason: In order to safeguard the residential amenities of the proposed and adjoining property and to ensure an adequate standard of development.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. 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. 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 curtilages of the existing or proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwellings.

6. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the existing trees in the grass verges during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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.

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

Dated this day of 2018.