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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2654/18**

**Appeal** by Mary Foley care of Donal O'Connell of 3 Summerville Park, Rathmines, Dublin against the decision made on the 28<sup>th</sup> day of May, 2018 by Dublin City Council to refuse permission to the said Mary Foley:

**Proposed Development:** The development will consist of the demolition of the existing single storey side extension and garage. Construction of a new two-storey detached house within the side garden of number 67 Grove Park Drive. New garden boundary wall to number 67 Grove Park Drive. New vehicular entrance from Grove Park Crescent. Relocation of the existing front vehicular entrance to 67 Grove Park Drive plus new front pedestrian entrance and ancillary drainage and development works, all at 67 Grove Park Drive, Glasnevin, 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**

It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the provisions of the Dublin City Development Plan 2016-2022 as set out in section 16.10.2 Residential Quality Standards – Houses and section 16.10.9 Corner/Side Garden Sites, would not be out of character with the pattern of development in the vicinity, would not seriously injure the amenities of property in the vicinity and would comply with the zoning objective pertaining to the site, Z1 “To protect, provide and improve residential amenities”. 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, as amended by further plans and particulars received by An Bord Pleanála on the 25<sup>th</sup> day of June, 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. Prior to commencement of development, the applicant shall submit to, and agree in writing with, the planning authority revised, scaled site layout plans omitting the proposed vehicular entrance and car parking space to the rear of the proposed dwelling and showing the proposed dwelling accommodated by vehicular access and a parking space to the front of the dwelling.

**Reason:** In the interest of clarity.

3. Prior to commencement of development, the applicant shall submit to, and agree in writing with, the planning authority revised drawings showing the provision of two number windows at first floor level to the east elevation.

**Reason:** To alleviate the blank nature of the proposed east elevation in the interest visual amenity.

4. All costs incurred by Dublin City Council, including repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of proper planning and sustainable development.

5. 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

6. The developer shall comply with the requirements of the planning authority as set out in the codes of practice in relation to drainage, roads, streets and traffic, and noise and air pollution.

**Reason:** To ensure a satisfactory standard of development.

7. 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 amenities of property in the vicinity

8. During the construction and demolition phases, the proposed development shall comply with the British Standard 5228 Noise Control on Construction and Open Sites Part 1: Code of practice for basic information and procedures for noise control.

**Reason:** In order to ensure a satisfactory standard of development, in the interest of residential amenity.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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.

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

**Dated this            day of            2018.**