



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2677/18

Appeal by Sean McArt of 13 Hollybrook Manor, Clontarf, Dublin and by Others against the decision made on the 17th day of July, 2018 by Dublin City Council to grant, subject to conditions, permission to Una McCarthy care of Meehan Associates of 81 Amiens Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of one number two-storey (over a habitable basement) domestic dwelling house with a total floor area of 157 square metres, a split level screened courtyard garden and one number Balcony. The construction of a new pedestrian entrance onto Hollybrook Park, the retention of three number existing parking spaces (two number serving the adjacent Hollybrook Bar/Restaurant and one number to serve the proposed dwelling), connection to public utilities, drainage networks and all other associated site works at the existing car park at the junction of Hollybrook Park and Hollybrook Mews. The site lies between numbers 13-19 Hollybrook Manor, Hollybrook Park (the former Hollybrook Hotel) and 38 Hollybrook Road (a Protected Structure), Clontarf, and the site is adjacent to 37 Hollybrook Mews, Hollybrook Park, 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 zoning objective 'Z1' for the area as set out in the Dublin City Development Plan 2016-2022 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 not seriously injure the residential or visual amenities of the Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience and 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 the further plans and particulars submitted on the 20th 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 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 roof level of the proposed house shall match the roof level of the adjoining development on Hollybrook Mews.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all the external finishes of the proposed dwelling (including windows, doors, sliding screens, garage doors) to include samples, 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. Details of the drainage system for the site which shall incorporate storm management measures and Sustainable Urban Drainage Systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public health and to reduce risk of basement flooding.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

6. Pedestrian access only shall be permitted onto Hollybrook Park and the 10 metre sliding gate shall be replaced with an opening not exceeding 1.5 metres, details shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of traffic safety.

7. The undercroft car park shall be fully enclosed with garage doors, which shall not be outward opening. Details of the garage doors shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

8. One car parking space shall be assigned permanently to the dwelling house and shall be reserved solely for that purpose.

Reason: In the interest of residential amenity.

9. Development described in Classes 1 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house, without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

10. 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. The plan shall provide details of the intended construction practice for the development, including the basement, noise management measures and off-site disposal of construction/demolition waste.

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

11. 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 residential amenities of property in the vicinity.

12. Apart from the PV panels shown on the drawings submitted, no further structures of any kind (including water tanks/enclosures) shall be erected on the roof of the proposed development.

Reason: In the interest of visual amenity.

13. The green roof shall not be used as a sitting out area.

Reason: In the interest of residential amenity.

14. 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 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.

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

Dated this day of 2018.