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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1292/18**

**Appeal** by Donaghmede Estate Residents Association care of Bernard C. Byrne of 128 Newbrook Avenue, Donaghmede, Dublin against the decision made on the 9<sup>th</sup> day of August, 2018 by Dublin City Council to grant subject to conditions a permission to Jason Bonney care of Brackfield Consulting of Unit K10, Drinan Enterprise Centre, Feltrim Road, Swords, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of an existing single storey side extension and the construction of a new two-storey end of terrace house with converted attic for storage with dormer window to the rear, solar panels to the front, two car parking spaces to the front accessed off Newbrook Avenue and all associated site works all to the side of 47 Newbrook Avenue, Donaghmede, 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 residential zoning objective for the site and the standards for residential development, as set out in the Dublin City Development Plan 2016-2022, including those relating to houses on corner sites in section 16.10.9 and the parking standards in Table 16.1 of the Plan, 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 character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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. Only one car parking space shall be provided in front of the permitted house and the access to it shall be no more than 3.6 metres wide. The remainder of the front garden shall be set out and maintained in soft landscaping/planting.

**Reason:** In the interests of amenity and road safety.

3. The materials, colours and finishes of the permitted house shall match/harmonise with those of the existing house on the site.

**Reason:** In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 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 residential amenities of property in the vicinity.

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. 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.

7. The development shall comply with the following requirements of the Roads and Traffic Planning Division of the planning authority:
  - (a) Footpath and kerb to be dished and new widened entrance to be provided to the requirements of Roads Maintenance Department.
  - (b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
  - (c) The vehicular entrance shall not have outward opening gates.
  - (d) The developer shall be obliged to comply with the requirements as set out in the Code of Practice.

**Reason:** To ensure a satisfactory standard of development in the interest of public safety.

8. The existing single-storey garage occupying the rear portion of the intended private open space to the proposed dwelling shall be fully removed and the site made good prior to occupation of the dwelling.

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

9. The attic accommodation hereby approved shall be used for household storage/home office/study/playroom purposes only.

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

10. No structures, including solar panels shall be erected on the flat roof of the rear dormer hereby approved.

**Reason:** In the interest of visual amenity.

11. 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, shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

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

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

**Dated this            day of            2018.**