



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1303/18.

Appeal by Tim Yetman care of Lawrence and Long Architects of 23 Mespil Road, Dublin against the decision made on the 15th day of August, 2018 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of the existing single-storey garage structure previously used as a car workshop on a site of 95 square metres. Construction of a smaller two-storey detached residential unit of 102 square metres containing two number bedrooms at first floor level, with a kitchen, a living room, an open courtyard of 23 square metres and a separate bike/bin store of three square metres all located at ground floor level, and all associated site works including a new drainage connection all at 1B Bloomfield Avenue, rear of 1 Bloomfield Avenue, facing onto a lane referred to as Bloomfield Cottages, 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 scale, location and design of the proposed dwelling in a residential conservation area, as set out in the Dublin City Development Plan 2016-2022, to the general character and 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 amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would provide an acceptable level of private amenity space for future occupants, would not be detrimental to the character or setting of the residential conservation area, and would be in compliance with the policies of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the location of the site on a lane, and opposite an existing two-storey building, would be in keeping with the pattern of development of the area. The Board further considered that the modest scale and contemporary design to be appropriate and would improve the visual amenities 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 received by An Bord Pleanála on the 11th day of September, 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. 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.

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001(as amended), no extensions, garages, stores, offices or similar structures shall be erected without the prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling.

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. 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.

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

Dated this day of 2019.