



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2290/18

Appeal by Linda Maguire of 10a Newtown Cottages, Malahide Road, Dublin against the decision made on the 4th day of September, 2018 by Dublin City Council to grant subject to conditions a permission to Niall Fagan, Victoria Homes Limited of Thomastown, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of three number two-storey three bedroom terraced units, provision of off-street parking, new entrance onto Newtown Cottages, new boundary walls and all associated site works at a site adjacent to 16 Newtown Cottages, Malahide Road, 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 for the site in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, 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 area or of property in the vicinity, would respect the existing character of the area, would not be prejudicial to public health, and would be acceptable in terms of pedestrian and traffic safety. 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 did not agree that the proposed development would give rise to an excessive level of development or that the proposed access road would be substandard. The Board also considered that the proposed development would not give rise to haphazard development and that the adjoining cul-de-sac would have the capacity to accommodate the proposed development.

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 9th day of August, 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 developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act, 2000, as amended, which shall allow for provision of shared access as outlined in the further information submitted to the planning authority on the 9th day of August, 2018. This shared access shall make provision for facilitating the possible future development of lands to the south-east and to the north-west of the proposed development.

Reason: In the interest of co-ordinated development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of the following finishes and detailing:
 - (a) The walls of the dwellings shall be primarily finished in roughcast/wet dash.
 - (b) As well as the proposed finish, the ground floor bay windows may be finished in roughcast/wet dash or red brick.
 - (c) The roofs of the dwellings shall be finished in black or blue-black non-profile tiles or slates.
 - (d) The roof overhang shall be kept to the minimum as much as possible.
 - (e) All rainwater goods, fascia and soffits shall be finished in a dark colour so as to blend with the roof finish.
 - (f) Any external meter cupboard doors shall be coloured to blend with the primary elevational finish.

- (g) All window cills shall be double-thick as per the parent dwelling's cills.
- (h) The chimneys shall be corbelled to match that of the parent dwelling.
- (i) The north-western boundary wall to the proposed access lane shall be restricted to a maximum height of 1.2 metres above adjoining ground level where the wall will be placed forward of number 16 Newtown Cottages.
- (j) All proposed rooflights shall be permanently fitted with opaque glazing.

Reason: In the interest of visual amenity.

- 5. (a) Prior to commencement of development, the developer shall contact the necessary utility providers and the planning authority with regard to the existing utility column adjacent to the proposed access. Any costs associated with works required shall be at the expense of the developer.
- (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. This shall include works to the existing utility column adjacent to the proposed access. The developer shall contact the planning authority prior to commencement of development in relation to these works.

Reason: In the interest of traffic safety.

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 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 noise management measures and off-site disposal of construction/demolition waste.

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

10. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. 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 the 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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.