



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2873/18

Appeal by Fergal Altman of Apt 22, The Chandler, Hammond Lane, Arran Quay, Dublin and by Anna and Garry Carroll and others care of 48 Croaghpatrick Road, Navan Road, Dublin against the decision made on the 18th day of September, 2018 by Dublin City Council to grant subject to conditions a permission to Brashaw Construction Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for development to amend a permission for development of a retirement home/nursing home currently under construction (planning register reference number 4527/09/x1; An Bord Pleanála reference number PL 29N.237694). The development will consist of amendments to the permitted scheme to increase the number of en-suite bedrooms from 51 number to 56 number and for ancillary amendments comprising: amendment to the permitted basement (including a reduction of 26 square metres and the relocation of the permitted kitchen, insertion of a second lift serving basement to first floor and relocation of the permitted bin storage area); extension of escape stair landings (to comply with Part B of the

Building Regulations, 1997 - 2017); omission of the permitted rooflight; ancillary amendments to the facades to reflect new bedroom reconfigurations including amendment to a number of permitted windows primarily to the basement courtyard and the entrance area approach; amendment to external materials; signage; and all other ancillary works above and below ground including ancillary rooftop plant arrangements and associated hard and soft landscaping including the external wall treatment and relocated pedestrian entrance at Nephin Road. The overall permitted gross floor area of the building increases by 67 square metres from 3,468 to 3,535 square metres, with a minor increase in part of the roof profile by an increase of up to 0.35 metres due to lift overruns, on site of 0.1887 hectares formerly known as Cabra Farm, 132/134, Navan Road, Cabra, Dublin as amended by the revised public notice received by the planning authority on the 22nd day of August, 2018.

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 provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the amendments the subject of this application, 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. 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 the further plans and particulars submitted to the planning authority on the 1st day of August, 2018 and the 22nd 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. The proposed development shall be amended as follows:
 - (a) the windows on the eastern elevation at second floor level serving staircase 02 shall be of obscure glazing, and
 - (b) the windows on the south-west elevation at second floor level serving staircase 01 shall be omitted.

Reason: In the interest of residential amenity.

3. The development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 15th day of February, 2011 under planning register reference number 4527/09, An Bord Pleanála reference number PL 29N.237694, as extended under planning register reference number 4527/09/x1, and any agreements entered into thereunder, except as amended in order to comply with the attached conditions.

Reason: In the interest of clarity and to ensure compliance with the previous permission.

4. The site shall be landscaped, using only indigenous species, in accordance with an overall landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) details relating to planting along all of the boundaries of the site, specifically the boundaries within the rear courtyard/garden area; and
- (b) a timescale for the implementation of the planting and landscaping.

Reason: In the interest of visual and residential amenity.

- 5. The totem sign hereby permitted shall comprise of individual mounted letters.

Reason: To ensure a satisfactory standard of development.

- 6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. 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 <https://pleanit-crm.pleanala.ie/> the permission.

Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.