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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2444/18**

**Appeal** by Kevin Downey and others care of Anette De Klerk of 33 Inbhir Ide, Malahide, County Dublin against the decision made on the 18<sup>th</sup> day of September, 2018 by Dublin City Council to grant subject to conditions a permission to Ivan and Maureen Russell-Hill care of David Doyle Architects Limited of 213 The Island, Chapelizod, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of single-storey storage sheds and wc; construction of two number two-storey terrace dwellings with rooflights; screened terrace at first floor level; small ground level bike store to side and all associated site works at 7-9 Blackberry Lane, Rathmines, 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 conservation zoning objective relating to the site which permits residential development, 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 not be prejudicial to public health 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, as amended by the plans and particulars received by the planning authority on the 23<sup>rd</sup> day of August, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the 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 external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. Water supply and drainage arrangements, including the 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.

4. A footpath shall be provided along the front of the dwellinghouse, the cost of which shall be at the expense of the developer. Details of the proposed footpath shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of pedestrian safety.

5. Site development works and construction works shall be carried out in such a manner to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. All recommendations set out in the Ecological Impact Assessment submitted with the additional information received by the planning authority on the 23<sup>rd</sup> day of August, 2018 shall be fully implemented to the satisfaction of the planning authority.

**Reason:** To preserve the biodiversity of the area.

7. Prior to the commencement of development and on the appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. The plan shall provide details of intended construction practice for the development including traffic management, noise management measures and off-site disposal of construction and demolition waste.

**Reason:** In the interest of orderly development.

8. Details of cycle parking to be provided off-site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of sustainable transport.

9. All costs incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

**Reason:** In the interest of the proper planning and sustainable development of the area.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive and between 0800 to 1400 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**