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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3011/18**

**Appeal** by Fiona Reynolds and Paul Regan of 19 Reuben Avenue, Rialto, South Circular Road, Dublin against the decision made on the 3<sup>rd</sup> day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Quotumas Investments Limited care of Kavanagh Designs of 4 O'Neill's Terrace, Millpark Road, Eniscorthy, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of shed to rear of numbers 47 and 48, and abutting numbers 48 and 49 Reuben Avenue, and the erection of a fully serviced dwellinghouse with associated site works to the rear of numbers 47 and 48, and abutting numbers 48 and 49 Reuben Avenue, Rialto, 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 Dublin City Development Plan 2016-2022 according to which the site location is subject to zoning objective Z1 which is "to protect, provide for and improve residential amenities", and to its policies and objectives set out in sections 12.5.1 and 16.2.1, for infill development in historic residential areas, to the established pattern, scale and historic architectural character of the development in the area, to the site configuration, particularly the setback of the proposed dwelling behind the narrow site frontage at the junction between numbers 48 and 49 Reuben Avenue, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the established architectural character or the visual or residential amenities of the area and 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 on the 6<sup>th</sup> 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 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.

3. Site development and building works shall be carried out between the hours of 0800 to 1900 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.

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 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.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**