



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3773/18

Appeal by Peter and Ann Crotty of 1 Hammond Street, Blackpitts, Dublin against the decision made on the 16th day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Ed O’Flaherty care of ANCA Architects Lonsdale of 44 Meath Road, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: consisting of (1) the clearing of the site and taking down the existing boundary wall and railings to the footpath and (2) the construction of a three bedroom town house over two floors with private open space along with new vehicular entrance to the rear enclosed garden and associated and ancillary site and development works at number 66 Clarence Mangan Road, Dublin located on the junction of Clarence Mangan Road, Greenville Road and Blackpitts.

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 area which seeks to protect, provide and improve residential amenities (Z1) in the Dublin City Development Plan 2016-2022, the pattern of development in the area, the site size, corner location and scale of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute overdevelopment, would not give rise to traffic hazard, would not give rise to undue overshadowing or overlooking and would not be out of character with the surrounding development. Accordingly, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience 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, 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 incorporate the following amendments and revised drawings shall be submitted for the written agreement of the planning authority prior to commencement of development: -

The vehicular entrance shall be gated and operated by a mechanism that is minimally intrusive into the private open space and shall not open outwards onto the public footpath. A single swing hinged gate shall be not be used.

Reason: To ensure an adequate standard of development and to protect existing residential amenities of neighbouring development.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes, relating to both the dwelling and boundary treatment including gates, shall be submitted to, and agreed in writing with, the planning authority. All finishes shall harmonise with those of the adjacent buildings.

Reason: In the interest of visual amenity.

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 comply with the requirements for the Roads Streets and traffic department of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. The following requirements of the Archaeology, Conservation and Heritage Section shall be strictly adhered to:
 - (a) If during the course of site works and construction, archaeological material is discovered the planning authority shall be notified immediately and shall also be brought to the attention of the National Monuments Service, Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland under the National Monument Act 1994.

- (b) In the event of an archaeological find on site, the planning authority in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht shall determine the future resolution of the site.
- (c) If, however no archaeological remains are encountered, then no further archaeological mitigation shall be required.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

9. The area of private open space shown on the lodged plans as also providing for one-off street car park space shall be designed primarily as an amenity rather than car parking area and shall be soiled, seeded and landscaped to ensure minimum car parking and in accordance with the detailed requirements of the planning authority. This work shall be completed before the dwelling is made available for occupation.

In this regard and in compliance with condition number 2 above, a comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. 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.

11. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul Hyde

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

Dated this day of 2019.