



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2970/18

Appeal by Paul Whittington and others care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 27th day of November, 2018 by Dublin City Council to grant subject to conditions a permission to Ken Fennell care of Crawford Architecture of The Building Block, Bridge Street, Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development consists of: (i) retention of partially completed three number two-storey over basement terraced mews houses to the rear of 127, 129 and 131 Tritonville Road, (ii) permission to complete aforementioned three number two-storey over basement terraced mews houses to include: one number one bedroom two-storey over basement mews house (109 square metres) and two number storey over basement two bedroom mews houses (134 and 138 square metres) balcony to mews number 1 and associated site works. Existing basement car park and access arrangement is as per previously approved planning register reference numbers 1717/07 and 4628/08, (iii) construction of two metres high smoke chimney in the garden to the rear of proposed mews house number 3 and (iv) retention of single storey conservatory type extension (54 square metres) to

the rear of houses 129 and 131 Tritonville Road, all to the rear of 127, 129 and 131 Tritonville Road, Sandymount, 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 planning history of the site, and to the layout, design and scale of the development for retention and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development for retention and the proposed development would not seriously injure the visual and residential amenities of the area, would integrate satisfactorily within the surrounding area subject to the zoning objective Z2: (Residential Conservation Area) according to the Dublin City Development Plan 2016-2022 and the protected structures within it, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would be in accordance the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, completed and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on the 31st day of October 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. A residential management company, to take responsibility for the ongoing management and maintenance of the entrance, car lift and car parking area, shall be established, full details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of clarity and orderly development.

3. The following requirements shall be provided for and adhered to in the development:
 - (a) car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties, and

(b) priority shall be given to vehicles entering the site over those exiting the site in operation of the entrance and car lift. This and the operation and maintenance of the car lift shall be the responsibility of the residential management company.

Reason: In the interest of clarity, traffic safety and convenience.

4. The first floor rear elevation bathroom window to Unit number 3 shall be fitted with opaque glazing.

Reason: In the interest of the residential amenities of the adjoining properties.

5. Details of all materials, colours and textures of external finishes to the development shall be submitted to, and agreed in writing with, the planning authority for agreement prior to commencement of development.

Reason: In the interest of clarity and the visual amenities of the area.

6. Construction activity shall be undertaken between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No work shall take place on Sundays or bank or public holidays.

Reason: In the interest of residential amenities of adjoining properties and clarity.

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

Reason: In the interest of amenities and public safety.

8. 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.

9. Prior to commencement of development, proposals for a dwelling numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, shall not be carried out within the curtilage of the dwellings without a prior grant of planning permission.

Reason: In the interest of residential amenities.

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 the development, coupled with an agreement empowering the planning 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 the Board 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 within three months of the date of this Order 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 Ó Niadh

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

Dated this day of 2019.