



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2173/19**

**Appeal** by Cormac and Natalia Farrelly of Kaibo, 157c Vernon Avenue, Clontarf, Dublin against the decision made on the 28<sup>th</sup> day of March, 2019 by Dublin City Council to grant subject to conditions a permission to Fraser and Gertie McMullen care of Brennan Furlong Architects of North Strand Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new detached three-bedroom dwelling, two storeys to north side, single storey to south side, with half-barrel-vaulted roofs and a rooflight, alongside with shed and the provision of two car parking spaces. New dwelling and car parking spaces will be accessible through laneway to the west of site, as per planning register reference number WEB1018/19. All on a site to the rear and side of existing property at 159 Vernon Avenue, Clontarf, 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 zoning of the site for residential development, the pattern of development and the permissions granted in the immediate area, 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, therefore, 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 out in accordance with the agreed particulars

**Reason:** In the interest of clarity.

2. The proposed house shall not be occupied until such time as the laneway access, as provided for in the permission granted under planning register reference number WEB1018/19, has been completed.

**Reason:** In the interests of orderly development and traffic and pedestrian safety.

3. Details of the external finishes of the proposed house, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. No flat-roof area shall be used as either a roof terrace or patio.

**Reason:** To prevent overlooking and loss of amenity to adjoining residential property.

5. The first-floor window in the eastern elevation of the proposed house shall be in permanently obscured glazing.

**Reason:** To prevent overlooking of the adjoining garden to the east, in the interest of residential amenity.

6. 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. In particular, the foundations of the house shall be carried down below the invert level of the 450-millimetre diameter land drain pipe running along the eastern boundary of the site.

**Reason:** In the interest of public health and to ensure that there is no damage caused to the existing surface water drain within the site.

7. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

**Reason:** In the interests of public health and orderly development

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground within the site.

**Reason:** In the interests of visual and residential amenity.

9. The proposed house shall be numbered 159B Vernon Avenue.

**Reason:** In the interest of urban legibility.

10. Site development and building works shall be carried out between the hours of 800 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.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction and demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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 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.

---

**Paul Hyde**

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

**Dated this            day of            2019.**