



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3726/18

Appeal by Pauline Gleeson and Anthony Cleary and others care of 8 Ardpatrik Road, Navan Road, Dublin and by Others against the decision made on the 23rd day of April, 2019 by Dublin City Council to grant subject to conditions a permission to Anthony Dwyer care of Padraic Ward of 1 Ardeevin Court, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing garages/sheds and construction of two number four bedroom two-storey detached houses, one number on-curtilage parking space to be provided for each house. Site is to be accessed via an existing access road off Ardpatrik Road, all on a backlands site accessed off Ardpatrik Road, Ashtown, 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 Objective “Z1” for the area and to the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Dublin City Development Plan 2016-2022, would not seriously injure the amenities of the local Ashtown neighbourhood, or of the 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 further plans and particulars submitted on the 27th day of March 2019, 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. This permission authorities two number residential units only.

Reason: In the interest of clarity.

3. Each new dwellinghouse shall be used as a single domestic residential unit only.

Reason: In the interest of clarity and to ensure orderly development.

4. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: To prevent overlooking of adjoining residential property, in the interest of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such materials, colours and finishes shall ensure visual compatibility with and integration with existing surrounding residential development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground except where otherwise agreed with the planning authority. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. 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.

8. Prior to commencement of development, the developer shall enter into a water and/or wastewater agreement(s) with Irish Water.

Reason: In the interest of public health and of orderly development.

9. Physical infrastructure and servicing arrangements to enable the proposed development, specifically in relation to access (including the new vehicular entrance, front boundary treatment, internal road, costs), shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of traffic safety and orderly development, and in order to comply with requirements in relation to access.

10. The developer shall comply with the following requirements of the planning authority.
 - (a) The driveway entrance shall not have outward opening gates.
 - (b) Footpath and kerb shall be dished and entrance provided in accordance with the requirements of the planning authority.
 - (c) Prior to commencement of development, the developer shall contact the 'Traffic Advisory Group (TAG)' to ascertain their requirements regarding the provision of double yellow lines on Ardpatrick Road. Any works shall be at the developer's expense.
 - (d) 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.
 - (e) The developer shall be obliged to comply with the requirements set out in the planning authority's Code of Practice.

Reason: In order to ensure a satisfactory standard of development.

11. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section, all of the planning authority.

Reason: To ensure a satisfactory standard of development.

12. 1.8m high boundary walls/fences shall be provided along rear garden boundaries to the rear and between the existing and approved dwellings, prior to the occupation of the dwellings hereby permitted.

Reason: In the interests of visual and residential amenity.

13. All trees shown to be retained on the site, and on land adjoining the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the planning authority).

Reason: In the interests of amenity, ecology and sustainable development

14. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include reference to the 'Arboricultural Assessment' and relevant recommendations therein (CMK Hort and Arb Limited), completed for the site and received by the planning authority at application stage.

Any trees and/or plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding suburban environment, in the interest of visual amenity.

15. The proposed dwellinghouses, shall not be occupied until such time as all services have been connected thereto, and are operational, to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

16. 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 residential amenities of property in the vicinity.

17. 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 amongst others.

(a) details of site security fencing and hoardings,

(b) details of car parking facilities for site workers during the course of construction,

- (c) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, and with particular reference to the use of the narrow accessway between Ardpatrick Road and the application site. This to include proposals and/or methods to facilitate the delivery of abnormal loads to the site;
- (d) measures to obviate queuing of construction traffic on the adjoining road network;
- (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (g) noise management measures;
- (h) measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network; and
- (i) off-site disposal of construction/demolition waste.

The developer shall be obliged to comply with the requirements set out in the planning authority's code of practice.

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

18. All necessary measures shall be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining accessway and local public road network during the course of the works.

Reason: To protect the amenities of the area.

19. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining accessway and local public road network are kept clear of debris, soil and other material, and if the need arises for cleaning works to be carried out on the adjoining accessway and 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 public safety and orderly development.

20. The naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme which shall be submitted to, and agreed in writing, by the planning authority, prior to the occupation of the dwellings.

Reason: In the interest of neighbourhood legibility, and of orderly development.

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

22. 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

Paul Hyde

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

Dated this day of 2019.