



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2388/19

Appeal by Fiona Gilroy care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 24th day of April, 2019 by Dublin City Council to grant subject to conditions a permission to Sarah Toye of 143 Saint Declan's Road Marino, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of one number three bedroom two-storey end of terrace dwelling, with proposed access to the new dwelling off Croydon Gardens including all associated infrastructure and site development works. All at 143 Saint Declan's Road, Marino, Dublin (junction off Saint Declan's Road and Croydon Gardens).

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 provisions of the Dublin City Development Plan 2016-2022 and the zoning for residential purposes, to the location of the site in an established residential conservation area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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, 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

3. The proposed development shall be amended as follows:
- (a) The front door and window design and proportions in the front elevation shall be revised to those of the original design and character of the terrace of which the proposed house forms a part.
 - (b) The proposed kitchen and bedroom element to the rear of the main building line shall be reduced in width by 800 millimetres and the internal room shall be provided with an external window.
 - (c) Bedroom 3 on the first floor shall be used as a store room or study only.
 - (d) The proposed chimney location and external design shall match those existing in the terrace.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the streetscape character in an area of conservation value, to ensure an adequate standard of development and in the interest of sustainable housing.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. The existing vehicular entrance shall be permanently maintained for the joint use of the existing and proposed dwellings on site with each dwelling having one car park space while retaining the plot division through landscaping and boundary treatment. Details of these measures including any alterations to the footpath shall be in accordance with the requirements of the planning authority. Details of the car parking, landscaping and materials to be used together with repositioning of utilities/street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

6. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

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

8. 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.

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

Dated this day of 2019.