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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2988/19**

**Appeal** by Ken Rush and others care of Corr and Associates of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 9<sup>th</sup> day of July, 2019 by Dublin City Council to grant subject to conditions a permission to Patrick and Jude Ryan of 1 and 3 Lawrence Grove, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (i) Demolition of the existing dwellinghouse on the site 180 square metres, (ii) construction of (a) two number three-storey four bedroom semi-detached houses (two by 252 square metres) and (b) one number detached three-storey four bedroom house (279 square metres). The development includes rooflights to the rear, provision of new vehicular entrances onto Lawrence Grove for each house, with new on-curtilage parking for two cars per house, removal of existing boundary wall abutting Lawrence Grove and erection of a 0.4 metre wall with 0.8 metre high railing above, SUDs drainage, and (iii) all ancillary works necessary to facilitate the development, at 1 and 3 Lawrence Grove, 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 residential zoning for the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would respect the character of existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants in accordance with the provisions of the Dublin City Development Plan 2016-2022 and would be acceptable in terms of pedestrian and traffic safety. 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. The proposed development shall be amended as follows:
  - (a) The upper-floor side elevation windows to house number 4 shall be permanently fitted with obscure glazing.
  - (b) No windows shall be provided to the above ground floor south/side elevation of house number 4.

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

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed internal boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

4. The materials, colours and textures of all the external finishes to the proposed houses and details of the internal boundaries to the curtilage of each of the houses shall be submitted to and agreed in writing with the planning authority before the commencement of construction of the houses.

**Reason:** In the interest of the visual and residential amenities of the area.

5. (a) 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.
- (b) The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

6. 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, noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out between the hours of 0800 to 1800 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.

8. (a) No additional development shall take place above roof level, including storage tanks or other external plant, unless authorised by a prior grant of planning permission.
- (b) The flat roofs of the ground floor rear extensions hereby approved shall be accessed for fire escape and maintenance purposes only.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

9. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

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

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.

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

**Dated this            day of            2019.**