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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3224/19**

**Appeal** by Gearoid Conroy and others of 12 Island View, Kilbarrack, Dublin against the decision made on the 2<sup>nd</sup> day of August, 2019 by Dublin City Council to grant subject to conditions a permission to Victoria Kavanagh care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of one number single storey, two-bedroom detached dwelling (76 square metres), with new vehicular entrance accessed off Island View and other works including Sustainable Urban Drainage Systems drainage, landscaping, boundary treatments and all associated site works to facilitate the development. All at 19 Kilbarrack Road, Kilbarrack, 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 site's location on serviced urban land, the nature and scale of the proposed development and the pattern of existing and permitted residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a satisfactory level of residential amenity for the occupants of the proposed dwelling, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian 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 to include:
  - (a) A main bedroom of at least 13 square metres and at least three square metres of storage space shall be provided within the dwelling, in accordance with the relevant Ministerial Guidelines.
  - (b) A car parking space with a width of three metres and a depth of five metres.

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:** In the interest of residential amenity.

3. A boundary wall of two metres in height above ground level shall be constructed between the proposed dwelling and the remaining rear garden area of number 19 Kilbarrack Road. The wall shall be constructed in concrete block, and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.

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

4. A naming/numbering scheme for the dwelling shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the dwelling.

**Reason:** In the interest of orderly development.

5. Footpaths shall be dished at the road junction in accordance with the requirements of the planning authority. Details regarding the removal/relocation of trees/bollards in the vicinity of the vehicular access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

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.

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

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

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

8. 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.

9. 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.

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**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**