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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3466/19**

**Appeal** by Paul Barry of 16 Rugby Villas, Ranelagh Dublin and by Gerard O'Rourke of 12 Rugby Villas, Ranelagh, Dublin against the decision made on the 3<sup>rd</sup> day of September, 2019 by Dublin City Council to grant subject to conditions a permission to Paul Slevin care of O'Dea and Moore of 9 Castlewood Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing 25 square metres garage store and erection of a two-storey (73 square metres) dwelling and associated works, all on a site at Rugby Villas, (to rear of 24 Mountpleasant Avenue Upper), 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 zoning objective: Z2:” to protect and/or improve the amenities of residential conservation areas” for the site and to zoning objective: Z1: “To protect, provide and improve residential amenities” for Rugby Villas onto which the site has frontage and access, as set out in the Dublin City Development Plan 2016 to 2022, to the architectural character and established pattern and layout of development in the vicinity, to the site configuration and layout, to the orientation of the proposed dwelling, and to its design, form, height, materials and finishes it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the established character of the streetscape on Rugby Villas, or the residential amenities of the adjoining properties or of the future occupants of the dwelling, would not depreciate the value of property in the vicinity 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, 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. 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.

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

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

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, 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:** To allow for further planning review in the interests of the protection of the residential amenities of the area.

5. Arrangements for demolition and clearance of the site and for construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

**Reason:** In the interests of clarity and the residential amenities of the area.

6. Hours of construction work shall be confined to 0800 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and clarity.

7. Landscaping, planting and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

**Reason:** In the interests of the visual amenities of the area and orderly and sustainable development.

8. Details of materials, colours and textures of all external finishes, which shall include the provision of samples for the proposed new roof, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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 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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**Michelle Fagan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2020.**