



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4074/19

Appeal by Fintan and Anne O'Shea care of Colin Mackay of Mackay – Architecture – Design of 8 Carysfort Avenue, Blackrock, County Dublin and by Keith Gillmor of 1 Prince Arthur Terrace, Dublin against the decision made on the 19th day of November, 2019 by Dublin City Council to grant subject to conditions a permission to the said Fintan and Anne O'Shea in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of internal walls and part of existing boundary walls, formation of a new vehicular access from Leinster Square and construction of a new two-storey extension to the front and rear of the property to include garage, utility room, first floor bedroom, extended living room and first floor bedroom. Works also include the installation of new external windows and doors, site landscaping and site works at 70 Charleville Close, Rathmines, 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

It is considered the extension and alterations to the proposed dwellinghouse, subject to conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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. The proposed development shall incorporate the following amendments and revised drawings shall be submitted for the written agreement of the planning authority prior to commencement of development:
 - (a) The proposed vehicular entrance along the eastern boundary of the site accessing the laneway at Leinster Square shall be omitted from the scheme.
 - (b) The window serving bedroom number one at first floor level located on the eastern elevation shall be omitted and a new window on the northern elevation facing onto Charleville Close shall be constructed in its place.

Reason: In the interest of orderly development and to protect the amenities of adjoining property.

3. Details of the external finishes of the proposed extension shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation of surface water, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

5. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

6. The boundary wall on the eastern boundary of the site adjoining the laneway from Leinster Square within the curtilage of the site shall be stabilised, repointed and repaired in accordance with the requirements of the planning authority. Details of a conservation methodology to restore the wall shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the historic integrity of the wall.

7. 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.

8. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining 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 interest of orderly development.

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.

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

Dated this day of 2020