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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3961/19**

**Appeal** by Julie Gibb of 4 Marlborough Road, Donnybrook, Dublin and by others against the decision made on the 10<sup>th</sup> day of December, 2019 by Dublin City Council to grant subject to conditions a permission to Lispopple Point Limited care of OMS Architects of 63 Mount Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of the partial demolition of the existing three-storey mid-terrace building and rear extensions, while retaining the existing basement, three-storey front facade, gable wall and chimneys, and the construction of two number three-storey buildings. Block A, fronting Morehampton Road and incorporating the existing facade, gable and basement, will contain two number two-bed duplex apartments over a 128 square metres ground floor retail unit with new shopfront and signage, over basement store. Block B, to the rear of the site, will contain two number two-bed duplex apartments over a ground floor three-bed apartment. Both blocks will contain balconies and roof solar panels. Block B will contain four number roof lights. The residential development will be accessed via a new pedestrian entrance on Morehampton Road, while the existing entrance on the lane leading from Marlborough Road will be replaced

with a new pedestrian service entrance/exit. A new raised courtyard will be provided at first floor level of Block A. Bin Stores, a bicycle shelter and 15 number bicycle spaces will also be provided, along with landscaping and associated site works, all at McCloskeys, 83-85 Morehampton Road, Donnybrook, 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 'Z4' zoning objective for the area "to provide for and improve mixed service facilities", as set out in the Dublin City Development Plan 2016-2022; the provisions of the "Sustainable Urban Housing - Design Standards for New Apartments – Guidelines for Planning Authorities", issued by the Department of the Environment, Community and Local Government in 2018; the pre-existing use of the existing building as a public house which lies vacant; and the scope for delivery of compact sustainable urban infill residential development, as prescribed in current national policy and strategic guidance, it is considered that, subject to compliance with the conditions set out below, the

proposed development would not seriously injure the visual amenities, architectural character and residential amenities of the area or of future occupants of the proposed development, would be acceptable in terms of pedestrian and traffic safety and convenience, and 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

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

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

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

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

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

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

6. Proposals for a name and numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The management and maintenance of the proposed development, following its completion, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, roads, parking spaces and circulation areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. Details of shopfront signage, materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

9. Details of the proposed arrangements for hard and soft landscaping and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. Site development and building works shall be carried only out between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 hours and 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.

11. 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, including construction traffic routing and management which shall be via the lane off Morehampton Road, (adjacent to Number 105), construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

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

12. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All transfers of waste and recyclable materials shall be via the lane off Morehampton Road, (adjacent to Number105). Marlborough Road shall not be used as a collection point. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

13. 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.**