



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0403

Appeal by Josh Linton care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 24th day of February, 2020 by South Dublin County Council to refuse permission to the said Josh Linton for the proposed development:

Proposed Development: Demolition of the existing structures (total 98 square metres) and the construction of a single storey dwelling (270 square metres) with associated garage (20 square metres), connection to mains water and public sewer, widening of the existing vehicular entrance, new gate and all associated site works, all on lands off the laneway to the rear of Muckross Avenue, Perrystown, 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 RES - Existing Residential zoning of the site with an objective “to protect and/or improve residential amenity” as set out in the South Dublin County Council County Development Plan 2016-2022, to the planning history of the site including the permitted use of the site as a car park for the storage of mini-vans used as school buses, to the Technical Note on Traffic and Drainage dated 12th day of March 2020 that was provided with the appeal, to the limited scale of the proposal to provide a single-storey residential dwelling on a unique triangular-shaped site to the rear of residential properties, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the zoning objectives for the site, would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the residential amenities of existing properties and would provide a satisfactory level of residential amenity for future occupants in terms of private open space and in terms of storage. It is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the existing use of the site which permitted a maximum of 16 mini-vans used as school buses to be stored on the site and considered that the proposed residential development would constitute a more appropriate use of the site within a residential zoned area. Furthermore, it is noted that the proposed development utilises the existing access lane that is currently used by larger mini-bus vans and also by van drivers either walking or driving along the lane and considered that the proposed development of a single residential dwelling with two parking spaces would significantly reduce pedestrian and vehicular activity along the lane and would, therefore, be acceptable in terms of traffic and pedestrian safety.

Furthermore, the Board noted that the shortfall in storage for the house had been addressed in the appeal submission and considered that the design and layout of the proposed single-storey dwelling provided a satisfactory response to this unusual site which would not seriously injure the residential amenities of adjacent dwellings and would provide a satisfactory level of residential amenity for future occupants. The Board considered, therefore, that the proposed development would 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 as amended by the further plans and particulars received by An Bord Pleanála on the 23rd day of March, 2020, 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 dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. 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.

5. 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 and off-site disposal of construction/demolition waste.

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

6. 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.

7. 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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.