



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2075/20

Appeal by Niall Turley care of 1A Highfield Road, Rathgar, Dublin against the decision made on the 13th day of March, 2020 by Dublin City Council to grant subject to conditions a permission to PDB South River Limited care of PAC Studio Limited of Tower 1, Fumbally Court, Fumbally Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing rear extension to enable construction of the new single storey extension measuring 192 square metres which provides six additional bedrooms, conversion of the existing garage measuring a total of 55 square metres, limited internal alterations to the existing guesthouse and the provision of 11 number car parking spaces and 5 number bike spaces. Associated works will include external site services, drainage and landscaping as required to meet the requirements of the Local Authority, all at Ardagh House, 1 Highfield Road, 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 nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be contrary to the zoning objectives of the area and would, therefore, 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, having considered the various submissions made in relation to the application and appeal, concluded that the proposed development would not of itself constitute overdevelopment of the site and that the quantum of open space remaining within the site would be sufficient for the purposes of the overall development. The Board further considered that the proposed development constituted a reasonable extension to the existing premises and use on site and having regard to the matters of scale, design, layout, open space, parking availability and access, and considering the proposed extension on its merits, concluded that the proposed development would not be contrary to the zoning objectives of the area and would otherwise be in accordance with the proper planning and sustainable development of the area.

In relation to access and parking, the Board shared the view of the planning authority that, that as the proposed development does not include additional car parking spaces, no additional impact on the existing junction is anticipated and would, therefore, not lead to endangerment of public safety by reason traffic hazard.

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 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 noise management measures and off-site disposal of construction/demolition waste.

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

3. Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities for staff shall be provided as part of the development. Key/fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

Reason: To ensure a satisfactory standard of development.

4. 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.

5. 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.

6. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures for noise control'.

Reason: In order to ensure a satisfactory standard of development in the interest of residential amenity.

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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.