



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4770/19

Appeal by Brian Walsh and Niamh Power care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin and by Kevin and Caoimhe O'Malley care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 7th day of July, 2020 by Dublin City Council to grant subject to conditions a permission to Felicitas and James Gilson care of Brennan Furlong Architects and Urban Planners of 129 North Strand Road, North Strand, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new detached three-storey three-bedroom mews dwelling along with pedestrian and vehicular entrance with off-street car port accessible from adjacent laneway 'Hollybrook Mews' (between Hollybrook Park and Hollybrook Court Drive), along with roof terraces, skylights and solar panels to the roof and with all associated site works and landscaping works. All on a site to rear of existing property at 25 Hollybrook Road, Clontarf, 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, scale and quality of the design of the proposed development, to the pattern of development in the vicinity and to the provisions of the Dublin City Development Plan 2016-2022, the Board was satisfied that the proposed development would provide a satisfactory standard of residential amenity for future occupants of the site and would not seriously injure the visual or residential amenities of the area. The proposed development 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 noted the absence of a rear garden but was satisfied that the quantum and quality of the proposed private amenity spaces would adequately serve the future occupants and that the design would ensure that potential overlooking of the proposed development from the host house is adequately mitigated. The Board also noted the Inspector's concerns that the rear mews development could potentially negatively impact on the Hollybrook Road Architectural Conservation Area by removing existing rear parking arrangements, but did not consider that this potential impact warranted the refusal of the proposed development. Furthermore, the Board considered that the proposed mews development was in accordance with national policy in terms of appropriate densification of urban sites. 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 submitted on the 10th day of June, 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. Prior to commencement of development, the developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act, 2000, as amended, which shall allow for provision of shared access across the site's recessed laneway frontage, located within the subject site.

Reason: In the interest of co-ordinated development.

3. 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.

4. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority details of proposed resurfacing and upgrading proposals for the laneway to the rear of numbers 25 and 26 Hollybrook Road.

Reason: In the interest of traffic safety.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of urban legibility.

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

Reason: In the interest of public health.

10. 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 the 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.