



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2424/20

Appeal by Harold Properties Limited care of Eamonn Weber of Weber Architecture, 180 Rathgar Road, Rathgar, Dublin against the decision made on the 10th day of August, 2020 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolish existing two-storey dwelling (in ruins), erect new single storey garage for the private parking of motorcars at 13 Shamrock Villas, Harolds Cross, 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 provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature of the proposed development and its proximity to end users, it is considered that, subject to compliance with the conditions set out below, the proposed development for a temporary period would not constitute an inefficient use of finite urban land, would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the Z4 zoning objective of the Dublin City Development Plan 2016-2022. 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 as amended by the further plans and particulars submitted on the 14th day of July 2020 and by the further plans and particulars received by An Bord Pleanála on the 28th day of August, 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. This permission is for a period of five years from the date of this order. At the end of this period the garage shall be removed and the use of the site for parking shall cease unless, prior to the end of the period, planning permission shall have been granted for retention for a further period.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of proper planning and sustainable development.

3. The use of the premises is for parking only, ancillary to the current commercial uses of the properties located at 7-9 Shamrock Villas (A Gym) and 10 Shamrock Villas (Metal Fabrication). There shall be no commercial operations of either business or any other business (including commercial car washing or valeting) from the garage hereby permitted.

Reason: In the interest of clarity and orderly development.

4. There shall be no water supply to and wastewater drainage arrangements from the garage. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of clarity, orderly development and 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. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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 within three months of the date of this order 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020