



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2867/20

Appeal by Peter Morrogh of 5 Saint John's Road, Sandymount, Dublin and by Others against the decision made on the 6th day of August, 2020 by Dublin City Council to grant subject to conditions a permission to Owen O'Meara care of Dublin Design Studio Architects of Docklands Innovation Park, Unit 14, East Wall, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing single storey garage and section of stone boundary wall to the side of the existing house and the construction of a new part two-storey part three-storey house in its place. The works will include the remodelling of the front garden to allow for additional car parking, a new section of stone boundary wall to the side, a new boundary wall between the proposed and existing dwellings, a reinstated pedestrian entrance, landscaping and all associated site and drainage works at Number 2 Saint John's Road, Sandymount, 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, to the pattern of development in the vicinity, to the planning history of the subject and adjoining sites, and to the policies of the Dublin City Development Plan 2016-2022, 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 or of property in the vicinity, and would not detract from the character of the area. 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, 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. All windows on the eastern elevation of the proposed dwelling shall be permanently fitted with opaque glazing.

Reason: In the interest of protecting the residential amenity of the dwellings on Strand Mews.

3. The flat roof at first floor level shall not be used for recreational purposes and shall not be accessed, except for essential maintenance purposes.

Reason: In the interest of protecting the residential amenity of the dwellings on Strand Mews.

4. The stone boundary wall to the Strand Mews laneway shall be reinstated using the original stone work following construction of the new dwelling.

Reason: In the interest of visual amenity and to retain the character of the Z2 area.

5. 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 and to ensure a proper standard of development.

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. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 amenities of property in the vicinity.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

10. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

11. (a) Prior to commencement of development and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management and access to the mews dwellings on Strand Mews, noise and dust management measures and off-site disposal of construction/demolition waste.
- (b) Two car parking spaces shall be permanently allocated to each residential unit. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In order to provide a satisfactory standard of development.

12. In relation to individual houses, the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to and agreed in writing with the planning authority prior to occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

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 the 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 2021