



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2573/20

Appeal by Philip O'Reilly of 18 Grosvenor Place, Rathmines, Dublin against the decision made on the 18th day of August, 2020 by Dublin City Council to grant subject to conditions a permission to Brendam Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of: (a) demolition of number 56 Charleston Road, a six-bedroom two-storey (with attic accommodation) detached dwelling, (b) construction of a terrace of four number four-storey, three-bedroom townhouses. Each townhouse to be provided with one number internalised parking space and private amenity space in the form of rear garden (25.5 square metres - 31.8 square metres), upper ground floor terrace (12 square metres) to the rear and second floor terrace (10.7 square metres) at front elevation. Permission is also sought for the following associated works: (i) removal of existing pedestrian and vehicular entrances on Charleston Road and provision of a new vehicular entrance to serve the development; and (ii) removal of vehicular entrance on Charleston Avenue and provision of a new pedestrian entrance. The development also includes landscaping, boundary treatments, SuDS drainage and all ancillary works

necessary to facilitate the development; all at number 56 Charleston Road, Ranelagh, Dublin, and land located to the front (and within the curtilage) of number 57 Charleston Road, Ranelagh, Dublin (and is a corner site with Charleston Avenue).

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:-

- (a) the location of the site in an area for which the zoning objective Z2, as set out in the Dublin City Development Plan 2016-2022, is to protect and/or improve the amenities of residential conservation areas, and to Policy Objective, QH 8 which provides for higher density development on vacant or under-utilised sites which respects the urban designed and established character of development in the area,

- (b) the scope for delivery of compact sustainable urban infill residential development in the City as prescribed in current national policy and strategic guidance, and
- (c) the corner site location, size and configuration and the established pattern and character of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, the context and historic architectural character of existing development within the area, the residential amenities of the area and those of the future occupants of the dwellings, would be acceptable in terms of pedestrian and traffic safety, and convenience, and would not be prejudicial to public health by reason of flooding risk. 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 seek further information in relation to the justification for the demolition of the existing building on the site and an assessment of its condition and potential architectural heritage value, the Board considered that, as the existing building is not listed on the Record of Protected Structures, is not within an Architectural Conservation Area, and has been vacant since 2001, it was not necessary to seek further information on this matter and that it was satisfied that it had sufficient information before it to assess and consider the application.

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 to the planning authority on the 22nd day of July, 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. 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 construction traffic routing and management, construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

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

3. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

5. Prior to commencement of the development, the developer shall submit to, and agree with, the planning authority a fully detailed landscaping scheme to include full details of size, species and location for all trees to be planted and full details of the proposed arrangements for hard and soft landscaping and boundary treatment. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any trees and plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenities.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. Proposals for a name and numbering scheme and associated signage for the proposed development 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. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

11. 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.

Dave Walsh

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

Dated this day of 2021.