



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3120/20

Appeal by Lina Ivanovaite care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 23rd day of September, 2020 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of the construction of a detached three storey, three bedroom dwelling house with a terrace at second floor level on vacant land directly adjacent to 72 Brookville Park, Coolock, Dublin. Proposed works include new pedestrian entrance off Brookville Park to the front of the property and a new vehicular entrance off Malahide Road to the rear of the site at 72 Brookville Park, Coolock, 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 Z1 zoning objective for the site and the design, scale and siting of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would provide adequate levels of open space, and would generally be acceptable in terms of traffic safety and convenience. 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 the 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 external finishes to the proposed dwelling, including colours, materials and textures shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

5. Details of the proposed vehicular access arrangements including vision splays at the proposed access shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 hours Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations 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.

7. Any damage to the public road or footpath during the course of construction works shall be repaired at the developer's expense. Details of the nature and extent of repair shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

8. 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.

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

Dated this day of 2021