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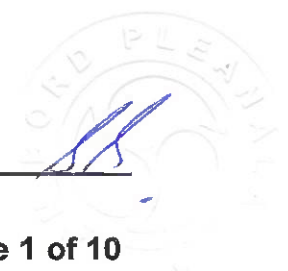
**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2065/20**

**Appeal** by Sheelin McSharry care of John Spain Associates of 39 Fitzwilliam Place, Dublin and by Garrett McCarthy and Jean Cullinan care of Harcourt Architects of 1 Harcourt Terrace, Saint Peter's, Dublin against the decision made on the 19<sup>th</sup> day of October, 2020 by Dublin City Council to grant subject to conditions a permission to the said Sheelin McSharry in accordance with plans and particulars lodged with the said Council.

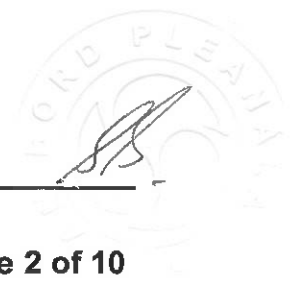
**Proposed Development:** Modifications to the residential development permitted under Register Reference: 2878/15 and An Bord Pleanála Reference PL29S.245834 as subsequently amended under Register Reference: 2707/17, resulting in an increase in the number of units from 39 number permitted units to 55 number in total. The proposed modifications relate to permitted Apartment Block A (located in the north of the site) and consist of the following:





- Reconfiguration and alterations to the permitted Apartment Block A to provide nine number additional units on previously permitted floors.
- The provision of two number additional floors (setback at fourth and fifth floor level) to Apartment Block A to provide seven number additional residential units, (one number one bed and six number two beds), with a total Gross Floor Area of 710 square metres.
- The proposed modifications and additional floors increase the number of units from 28 number to 44 number units in Apartment Block A comprising five number studios, 11 number one beds, 27 number two beds and one number three bed duplex apartment.
- Modifications to the communal open space to provide for 387 square metres at ground floor level and provision of a communal roof terrace at fifth floor, with a total Gross Floor Area of 73.5 square metres.
- Associated alterations to the elevations including provision of terraces and balconies on all elevations.
- The proposal includes alterations to the permitted cycle parking layout and an increase in the cycle parking provision of 71 number spaces.
- The total gross floor area of Block A will increase from 2,419 square metres to 3,911 square metres.
- No modifications are proposed to permitted Apartment Block B or 2 number residential houses to the south of the site.

All on a site measuring 0.34 hectare located at number 85 Templeogue Road, Terenure, 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-

- (a) the National Planning Framework and in particular National Policy Objectives 11, 13 and 35,
- (b) the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020,
- (c) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing and Local Government in December, 2018 and in particular Specific Planning Policy Requirement 3 (SPPR 3),



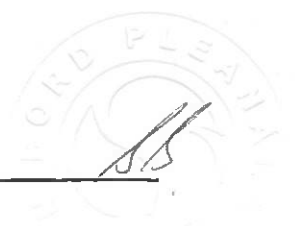
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and
- (e) the provisions of the Dublin City Development Plan 2016-2022,

it is considered that, the modifications proposed to an already permitted development, the site's close proximity to existing and proposed public transport links and subject to compliance with the conditions set out below, the proposed development would represent an acceptable height and density for the site, would be acceptable in terms of the residential amenities of adjoining properties and of future occupants, would not seriously injure the visual amenities of the area and would be acceptable in terms of pedestrian and road safety. 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 22<sup>nd</sup> day of September 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 developer shall comply with all of the conditions of the parent application register reference 2878/15 and ABP Reference PL29S.245834 as subsequently amended under register reference 2707/17 save for amendments made by this application.

**Reason:** In the interest of clarity.

3. The proposed development shall be amended as follows:

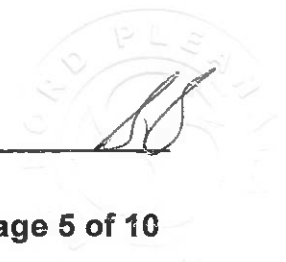
The proposed roof terrace at the fifth floor of Block A shall be enclosed on all open boundaries by a 1.8 metre obscure screening.

Revised drawings and details showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external materials and finishes to 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 visual amenity.



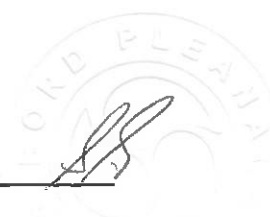


5. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2020 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

6. (a) One number car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased.
- (b) A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.
- (c) Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** In the interest of orderly development and to provide for and/or future proof the development such as would facilitate the use of electric vehicles cycles.





7. A bicycle push ramp to the basement access stairs in Block B shall be provided.

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

8. 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 noise management measures and off-site disposal of construction/demolition waste.

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

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

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



11. Drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

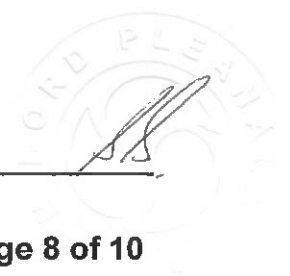
**Reason:** In the interest of public health

12. 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.

13. Site development and building works shall be carried out only between the hours of 0700 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.







14. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.



16. 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

  
Stephen Bohan

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



Dated this 9/6 day of August 2021.

