

An  
Bord  
Pleanála

**Board Order**  
**ABP-309235-21**

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1736/20**

**Appeal** by Christopher and Valerie Doyle of Ballytory Castle, Broadway, Wexford and by others and by Fergus and Noleen Caverly care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 17<sup>th</sup> day of December, 2020 by Dublin City Council to grant subject to conditions a permission to Fergus and Noleen Caverly in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (A) The demolition of existing single and two storey extension to the side of existing house, demolition of detached boiler house, widening of existing vehicular entrance to 5.5 metres and associated amendments to front boundary; (b) the construction of a new single storey extension to the rear, elevational changes and new rear boundary wall to existing house; (C) the construction of two number new detached three bedroom two storey dwelling houses with associated rooflights; (D) the provision of a new access road and associated footpaths, bin store, all associated site and infrastructural works including foul and surface water drainage, surface car parking, boundary walls and landscaping at number 36 Outlon Road, Clontarf, 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 zoning objective for the area, the existing pattern of development in the area, and to the relevant provisions of the Dublin City Development Plan 2016-2022 including policy regarding backland development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity or character of the area or residential amenity of the property in the vicinity, would provide a suitable level of amenity for future occupants of the residential units in accordance with the provisions of the Dublin City Development Plan 2016-2022, would be acceptable in terms of traffic safety and convenience and 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 received by An Bord Pleanála on the 22<sup>nd</sup> day of January 2021, 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 proposed development shall be amended as follows:
  - (a) The glazing set behind the brick 'hit and miss' treatment to Houses B and C's southern first floor opes shall be permanently fitted with opaque glazing.
  - (b) The glazing at the landing/stairway levels on the northern elevations of Houses B and C shall be permanently fitted with opaque glazing and the windows shall have no opening parts.

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

**Reason:** In the interests of residential and visual amenity.

3. The development shall comply with the following requirements: -
- (a) The proposed new vehicular entrance and access road shall be used only to serve the three houses on site. Any future housing development off the access road shall require the vehicular access and laneway to comply with requirements under the Design Manual for Urban Roads and Streets.
  - (b) The vehicular entrance onto Oulton Road shall have a maximum width of 3.6 metres.
  - (c) A maximum of five number car parking spaces in total with sufficient on-site turning areas shall be provided on site.
  - (d) The footpath and kerb onto Oulton Road shall be dished and the modified entrance shall be provided to the requirements of the planning authority.
  - (e) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interests of orderly development and traffic safety.

4. No flat roofed area shall be used or accessed as a roof garden/patio.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -

- (a) proposals for the planting and location of native tree species and biodiversity enhancement measures for the site, and
- (b) proposals for the protection of existing trees, including the root systems of trees located on adjoining lands along the southern and western boundaries of the site that may be encountered during site works and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. Details of the southern, western and northern boundaries to surround the site, including the exact height, location and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of the visual and residential amenities of the area.

7. Prior to commencement of the development, the developer shall enter into an agreement with the planning authority, pursuant to Section 47 of the Planning and Development Act, 2000, which shall allow for provision of shared access onto the proposed access way onto Oulton Road. This shared access shall make provision for facilitating the possible future development of lands to the south, of the proposed development as indicated on the original planning application submission.

**Reason:** In the interest of co-ordinated development.

8. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of the visual and residential amenities of the area.

9. The developer shall enter into water and/or wastewater connection agreements with Irish Water prior to the commencement of development.

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

10. Prior to the commencement of development, the developer shall submit details of drainage arrangements, including the attenuation and disposal of surface water, sustainable urban drainage systems in management of surface water, and all other details in relation to compliance with Office of Public Works Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment to the planning authority for written agreement.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

11. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

13. 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, traffic management measures and off-site disposal of construction/demolition waste.

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

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets 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 interest of orderly development

15. 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, 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.

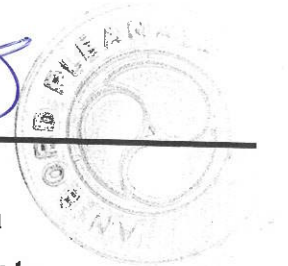


16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

  
Paul Hyde

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



Dated this 13<sup>th</sup> day of May 2021