

An
Bord
Pleanála

Board Order
ABP-309536-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1260/20

Appeal by William Kelleher of 30 Middle Third, Killester, Dublin and by Peter Walsh on behalf of Killester Sports and Social Club of Hadden Park, Killester, Dublin against the decision made on the 29th day of January, 2021 by Dublin City Council to grant subject to conditions a permission to Gerry Leigh care of Pamela Byrne of 67 Finn Eber Fort, Finglas, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a two-storey, three bedroom detached dwelling with new pedestrian entrance onto Nun's Walk and utilising the existing vehicular entrance onto Nun's Walk and all associated site works. All at 32 Nun's Walk (accessed off Middle Third Terrace), Killester, 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.

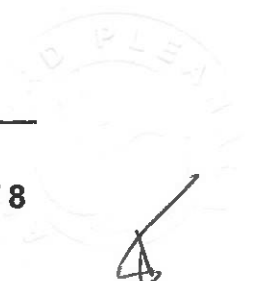


Matters Considered

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 character of the area or the residential amenity of property in the vicinity, would provide a suitable level of amenity for future occupants of the residential unit, 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 submitted on the 4th 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 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. Obscure glazing shall be provided in all west facing windows at first floor level.

Reason: In the interest of residential amenity.

3. The developer shall comply with the following requirements:
 - (a) The vehicular entrance shall not exceed 3.5 metres in width.
 - (b) The pedestrian and vehicular entrances shall not have outward opening gates.
 - (c) The developer shall liaise with the relevant utility providers to ascertain their requirements if the existing electricity column requires relocation. Any costs incurred shall be at the developer's own expense.



- (d) All costs incurred by Dublin City Council, 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: To ensure a satisfactory standard of development.

4. A scheme of landscaping for the site 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 to screen the southern boundary of the site, and
- (b) proposals for the protection of existing trees, including the root systems of trees located along the southern and eastern boundaries and on lands along the northern (front) boundary of the site that may be encountered during site works.

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

5. All new boundary walls to the front and rear of the site shall be properly capped and rendered.

Reason: To provide for an acceptable standard of development.



6. The materials, colours and textures of all the external finishes to the proposed house 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. The existing garage/shed shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwellinghouse as such, unless authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

8. Prior to the 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.

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

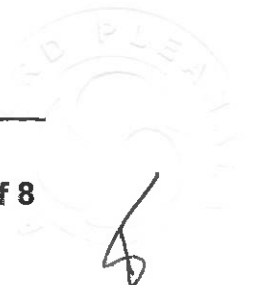
Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

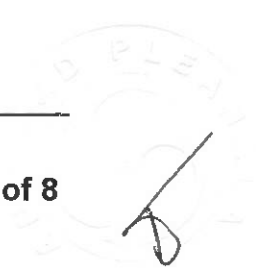


12. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no porches, no extensions, garages, stores, offices or similar structures, shall be erected on the site without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling.

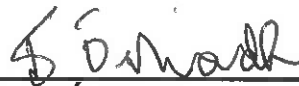
13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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



14. 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 the 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.

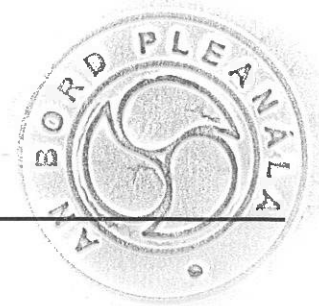
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 26th day of August, 2021.