

An
Bord
Pleanála

Board Order
ABP-309538-21

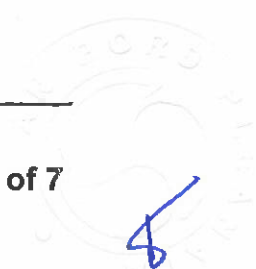
Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2756/20

Appeal by Tim McParland of 11 Grove House, 36 Grove Road, Rathmines, Dublin and by Karen Sheehy and Jack Keegan of Apartment 1, Grove House, 36 Grove Road, Rathmines, Dublin against the decision made on the 28th day of January, 2021 by Dublin City Council to grant subject to conditions a permission to Halact Limited care of Arcadia Architects of Ardavan, County Wexford in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development is for modifications to the existing five-storey residential building on site. The proposed development will provide one additional floor at roof level to provide an additional three number apartments. The proposal will result in an overall amalgamated total of 21 number residential units in a building comprising six storeys plus lift/stair overrun over existing basement. The proposed development will include one number one-bed apartment unit of 48.7 square metres, one number two-bed apartment unit of 73 square metres and one number three-bed apartment unit of 98.9 square metres. Each unit will be provided with a private outdoor



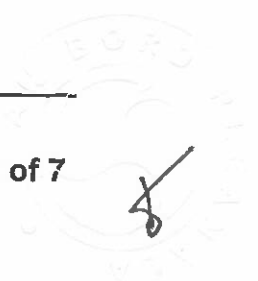
balcony. The proposed development will include connection to existing mains public services and all associated site works, all at Grove House, 36 Grove Road, Rathmines, Dublin.

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.



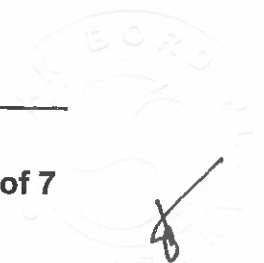
Reasons and Considerations

Having regard to the residential zoning provisions for the site, as set out in the Dublin City Development Plan 2016 - 2022 and to the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with conditions set out below, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants in accordance with the provisions, as set out in the current Development Plan for the area and 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 and would 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, as amended by the further plans and particulars submitted on the 23rd day of December 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 stairwell windows in the east elevation of the extension shall be permanently glazed with obscure glass.

Reason: To protect the amenities of adjoining property.

3. 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.

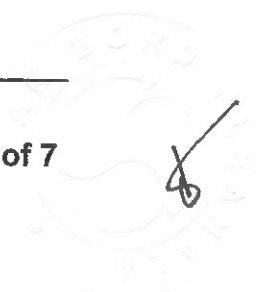
4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 and 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.

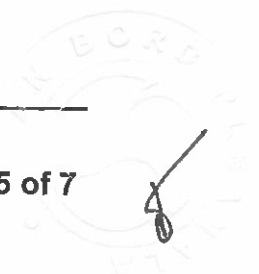


Reason: In the interests of public safety and residential amenity.

7. 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:
- (a) location of the site and material compound(s) including area(s) identified for the storage of construction refuse;
 - (b) details of timing and routing of construction traffic to and from the site;
 - (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; and
 - (e) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

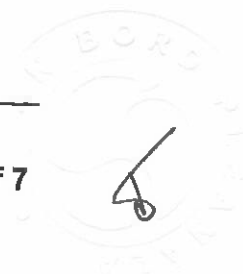


8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. 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.



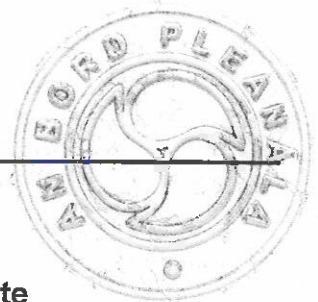
10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.



Terry Ó Niadh

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



Dated this 16th day of March, 2022.