

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

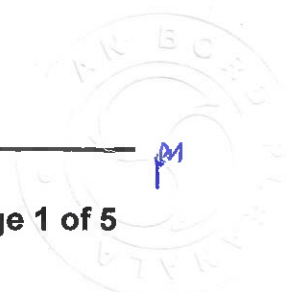
Planning Register Reference Number: 3569/20

Appeal by Ralzoon Limited care of Roger Holfer Architects of 129 Lower Georges Street, Dún Laoghaire, County Dublin against the decision made on the 18th day of February, 2021 by Dublin City Council to refuse a permission to Ralzoon Limited for the proposed development.

Proposed Development: Change of use of former shop to a one bed apartment with a new bedroom added to rear to form a two-bedroom apartment to a semi-detached two-storey premises with a three-bedroom apartment above at first floor with attic space, all at 4 Kilmore Road, 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 the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued under Section 28 of the Planning and Development Act, 2000 (as amended) by the Department of Housing, Local Government and Heritage in December 2020, to the Dublin City Development Plan 2016 - 2022, to the existing pattern of development in the area, and to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would provide an acceptable level of residential accommodation and would contribute to the overall zoning objective of the site. 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 22nd 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 proposed timber screen enclosure to the front of the site shall be replaced with a low level capped and plastered boundary wall, no higher than 1.2 metres, or as otherwise agreed with the planning authority. Save for a pedestrian gate, the wall shall enclose all of the site's boundary to the public path of Number 6 Kilmore Road.

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 visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 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 order to safeguard the residential amenities of property in the vicinity.

5. 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.

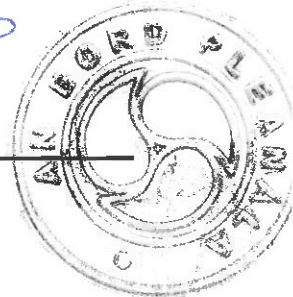
Reason: In the interests of public safety and residential amenity

6. 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 within three months of the date of this order 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 *19th* day of *MAY* 2021.