

An
Bord
Pleanála

Board Order
ABP-309887-21

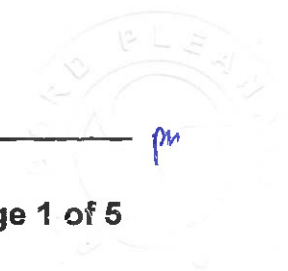
Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1019/21

Appeal by Sheila Cooney care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 10th day of March, 2021 by Dublin City Council to grant subject to conditions a permission to Alan and Monica Holmes care of Noel O'Dwyer of 42 Dawson Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: 1. Demolition of existing screen wall and gate to the side of the existing property 2. Construction of a detached garden building of one and a half storeys to the side of the property to accommodate motor vehicles at ground floor level and a games room at the upper level. The new structure will have three dormer windows facing north-east into the rear garden of the existing house 3. Insertion of a new external door from the rear of the existing house to the garden 4. The development will include all associated drainage and site development works. All at Willowdale, 24 Orwell Park, Rathgar, 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 conservation zoning of the site in the Dublin City Development Plan 2016 – 2022, the modest scale and design of the proposed development and the measures set out in the application to mitigate potential damage to the root systems of trees on adjoining lands and, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the amenity of property in the vicinity, would be in accordance with the zoning objective for the area and 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, 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 garage/games room shall be used solely for purposes ancillary to the residential use of the main dwelling on the site. It shall not be used for any commercial purpose and shall not be let or sold independently of the main dwelling.

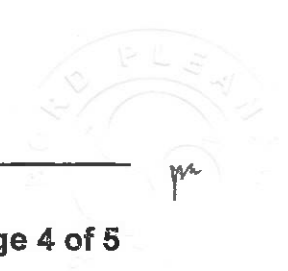
Reason: To restrict the use of the building in the interest of residential amenity.

3. The external finishes of the proposed building shall be the same as those of the existing dwelling in respect of colour and texture. Details of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.


4. Prior to commencement of development, a construction management plan shall be submitted to, and agreed in writing with, the planning authority. This plan shall set out detailed measures for the protection of tree root systems within the application site under the control of the applicant.

Reason: To facilitate the protection of trees in the interest of residential amenity.

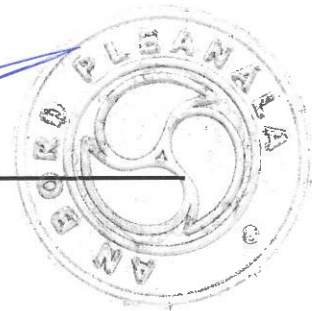


5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



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



Dated this 27th day of May 2021.