

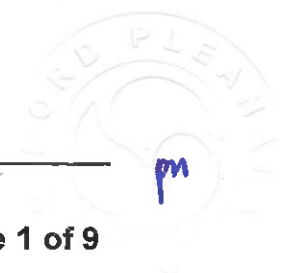
Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3464/20

Appeal by Brian Hanney of 23 Castle Vernon, off Dollymount Avenue, Clontarf, Dublin and by Others against the decision made on the 27th day of April, 2021 by Dublin City Council to grant subject to conditions a permission to John Roberts care of Hughes Planning and Development Consultants of 72 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Construction of four number three-storey dwellings consisting of two number detached, four-bedroom dwellings and two number semi-detached four-bedroom dwellings. Each dwelling will be provided with two number on-curtilage car parking spaces and private open space in the form of a rear garden. Vehicular access to the dwellings will be provided from Castle Vernon. (ii) The development includes boundary treatments, landscaping, SuDs drainage and all ancillary works necessary to facilitate the development on lands to the rear of numbers 22, 24 and 26 Dollymount Avenue and to the west of Castle Vernon, Dublin.



Decision

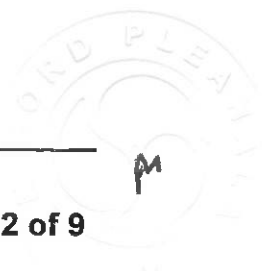
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 Z1 residential zoning objective relating to the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area, would not be prejudicial to public health, and would generally 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 information submitted on the 31st day of March, 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. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

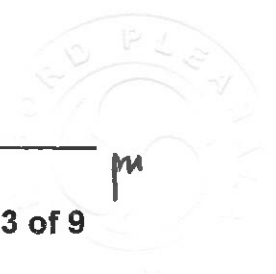
Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements including the attenuation and 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. The applicant or developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.



5. Proposals for the house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate and street signs, and house numbers shall be provided in accordance with the agreed scheme. No advertising/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement for the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for residential areas.

6. Public lighting shall be provided in accordance with the scheme details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

7. 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 materials 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 adjoining roadways are kept in a clean and safe condition during construction works and in the interest of orderly development.

8. The secondary/westernmost south-west facing window to the master bedroom to house number 3 shall be fitted with and permanently retained in fixed obscure glazing. All side facing windows at first and second floor shall be fitted and permanently retained in obscure glazing.

Reason: To protect existing residential amenities.

9. The windows serving bathrooms on the north-west elevation of house number 4 shall incorporate obscure glazing.

Reason: To prevent overlooking.

10. 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) A plan to scale of not less than 1:500 showing –
- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting.
 - (iii) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

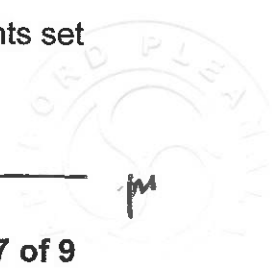
11. An arboriculturist shall supervise implementation of the tree protection measures in accordance with documentation submitted. All trees shown to be retained on site and adjacent to the site shall be adequately protected during the period of construction as per BS:5837, such measures to include the protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier and "no dig" measures within the root protection areas. Tree works shall be carried out in accordance with BS:3998.

Reason: In the interest of amenity, ecology and sustainable development.

12. The development shall comply with the following:
 - (a) The number of car parking spaces shall be reduced to a maximum of six spaces. Details of the location of the spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - (b) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall

be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) No new boundary wall/fencing or hedging shall extend above a height of one metre forward of the front building line of House Number 1 in order to provide unobstructed visibility to pedestrians and vehicles.
- (d) Prior to commencement of development and on the appointment of a main contractor, a construction management plan shall be submitted to and agreed in writing with the planning authority. The plan shall provide details of intended construction practice for the development including traffic management, noise and dust management measures and off-site disposal of construction and demolition waste.
- (e) All HGV movements in and out of the site shall be accompanied by a banksman and on-site traffic marshals.
- (f) The road layout and junction arrangements throughout the proposal shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- (g) 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.
- (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.



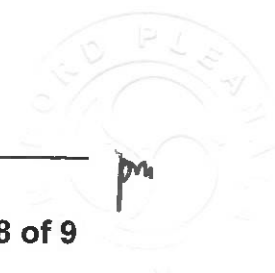
Reason: In the interest of orderly development and in the interest of traffic safety.

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

14. 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.



15. 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 28th day of OCTOBER 2021