

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2044/21

Appeal by Colman Bermingham and Others care of Muir Associates of Marketing Network House, Argyle Square, Morehampton Road, Dublin, and by Richard and Kathryn Lombard of 44 Mount Prospect Avenue, Clontarf, Dublin

against the decision made on the 28th day of April, 2021 by Dublin City Council to grant subject to conditions a permission to James Weldon care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to the existing two-storey, four-bedroom, detached dwelling comprising: (i) demolition of single-storey garage, single-storey extension, and single-storey outbuilding to side (west-facing) and rear (north-facing) elevations including and the removal of chimneys to side (west-facing) and side (east-facing) roof slopes; and (ii) construction of a part single, part two-storey extension to the front (south-facing), side (west and east-facing), and rear (north-facing) elevations including basement accommodation, rooflights, and alterations to all elevations. Other works as part of the development include relocation and widening of the existing

vehicular entrance off Mount Prospect Avenue, relocation of the existing pedestrian entrance off Mount Prospect Park, SuDS drainage, boundary treatment landscaping, and all associated works to facilitate the development at 46 Mount Prospect Avenue, Clontarf, Dublin.

Decision

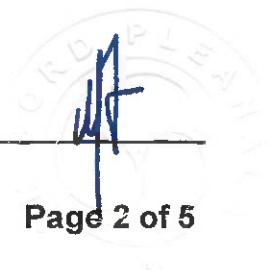
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 zoning objective relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed extension to the dwellinghouse, including the construction of a basement level, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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 information submitted on the 1st day of April, 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.

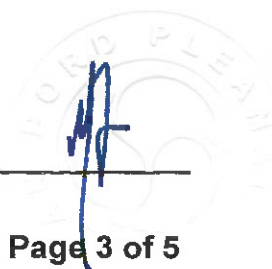
Reason: In the interest of clarity.

2. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

3. A construction management plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall contain details of the intended construction methodology for the basement area including noise management measures and off-site disposal of construction/demolition waste.

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



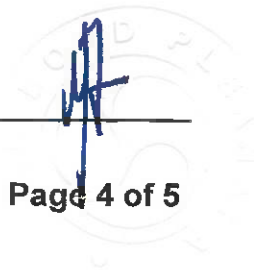
4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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


5. The existing vehicular entrance shall be retained in its current position as indicated on Drawing Number 2020-53-RFI-100 submitted to the planning authority on the 1st day of April, 2021.

Reason: In the interest of traffic safety.

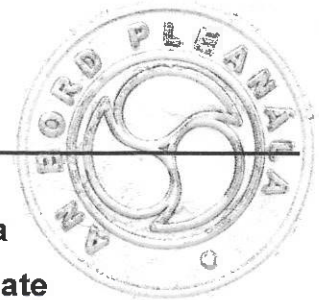
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid 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.



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



Dated this *26th* day of *October* 2021