

**An
Bord
Pleanála**

**Board Order
ABP-310540-21**

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2476/21

Appeal by Neville Russell care of Louis Burke Architects of The Studio, 33A Wasdale Park, Terenure, Dublin against the decision made on the 20th day of May, 2021 by Dublin City Council to grant subject to conditions a permission to Rita Benaksas care of Weber Architecture of 180 Rathgar Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission sought to subdivide existing two-storey detached dwelling into two number semi-detached, three-storey dwellings, four bedroom dwellings. The development will include internal reconstruction and the erection of two-storey and single storey extensions to the front, side and rear of both and raising the roof by 1.01 metres along with a Velux rooflight to the front, dormer at rear of each house, new additional front vehicular gate entrance for the second dwelling at 1 Riversdale Avenue, 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:

- Section 16.10.13 of the Dublin City Development Plan, 2016-2022 providing for consideration of subdivision of dwellings in highly accessible areas.
- The highly accessible location and the established pattern and character of development in the area.
- The size and configuration of the site the subdivision of which is proposed,
- The proposed site layouts which include provision for parking in the front curtilages, footprints, mass, scale, height, and design for the proposed dwellings
- The marginal increase in generation of additional traffic and turning movements at the junction of Riversdale Avenue with Bushy Park Road and in additional demand for on-street parking.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure to the visual amenities of the area or the residential amenities of adjoining properties, and 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, 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. Prior to the commencement of development, the applicant shall submit to and agree in writing with the planning authority the following requirements:

The proposed new entrance and gate which shall be inward opening only for number 1A, shall be reduced to a maximum width of 2.8 metres and shall be relocated to the eastern end of the site frontage adjacent to the boundary of number 2 Riversdale Avenue.

Reason: To provide for retention of on-street parking at the site frontage and in the interest of vehicular and pedestrian safety and convenience.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the site curtilage in the absence of a prior grant of planning permission.

Reason: To allow for further planning review having regard to the limited site size and residential amenity.

4. 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 and clarity.

5. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. The sites shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary which shall be submitted to, and agreed in writing, with the planning authority and shall be implemented within the first planting season following construction of the replacement dwelling. It shall include:

- A full works specification for hard and soft landscaping,
- A detailed planting scheme,
- Retention of all boundary walls and hedgerows,

- Any failed or seriously damaged or diseased plants, shall be replaced within the next planting season following completion of the development, with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity and orderly development.

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

Reason: In the interest of visual amenity.

8. Electric connections to the exterior of the houses to allow for the future provision of electric vehicle charging points shall be provided. 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.

Reason: In the interest of sustainable transportation.

9. 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.

10. 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, noise management measures and off-site disposal of construction/demolition waste.

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

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including construction traffic routing and management, construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste. The plan shall also be prepared in accordance with, "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

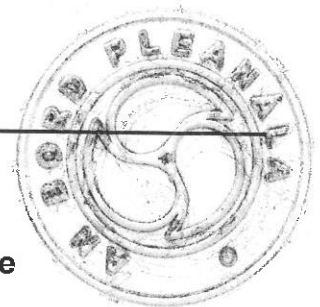
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Terry Ó Niadh

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



Dated this 13th day of December, 2021