

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2482/21

Appeal by Eileen Lynch of 5 Ellesmere Avenue, North Circular Road, Dublin against the decision made on the 20th day of May, 2021 by Dublin City Council to grant subject to conditions a permission to Patrick Simons care of Niall Jones of NJA Planning Consultants, 'Somerton', 15 Butterfield Crescent, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Sub-dividing of existing two-storey end of terrace house into one number three bedroom apartment at ground floor level (101.02 square metres) and one number three bedroom apartment at first and attic floor levels complete with ground floor entrance hall (128.48 square metres). Construction works to include new two-storey pitched roof extension to side (33.98 square metres), single storey flat roof extension to rear (17.54 square metres) with screened roof terrace over, raising floor and eaves level of rear two-storey return to match existing house and new attic conversion complete with dormer roof extension to rear (27.70 square metres). There will be one number new apartment entrance door within side/west elevation facing onto Ellesmere Avenue, new windows to front/side and rear elevations, velux roof

windows to front and side elevations, complete with internal alterations and all associated site works at 159, North Circular Road (siding onto Ellesmere Avenue), Dublin.

Decision

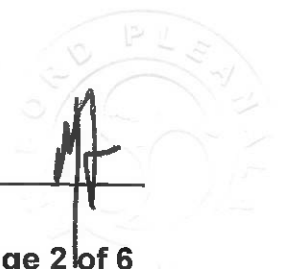
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 location of the proposed development on the inner suburban area, the site's residential land use zoning, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in overdevelopment nor adversely injure the residential or visual amenities of the area or of the property in the vicinity. 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, 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.

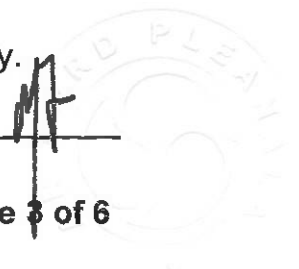
2. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Details of all the proposed materials, including those to screen the first floor roof terrace and the Velux roof windows, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) The window in the kitchen on the east elevation at first floor level shall be glazed with obscure glass.

(b) The two number windows on the ground floor western elevation serving the dining living area of apartment number one shall not be high level and shall have the same cill level as those of the ground floor southern elevation of bedroom one.

Reason: To prevent overlooking of adjoining residential property.



4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the retention of the side garden along Ellesmere Avenue and the boundary treatments for the vehicular and pedestrian access to the rear of the site along Ellesmere Avenue.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

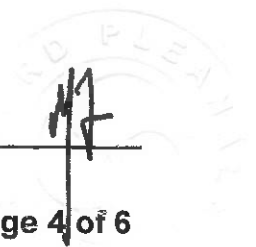
Reason: In the interest of visual amenity.

5. 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.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.



7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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.

8. 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.

9. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 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 21st day of September 2021