

An
Bord
Pleanála

Board Order
ABP-310548-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1977/20

Appeal by Charles Cullen and John Cullen of 2 Rafter's Road, Drimnagh, Dublin against the decision made on the 24th day of May, 2021 by Dublin City Council to grant subject to conditions a permission to Rafters Electrical Limited care of David Corbally of 55 Ludford Drive, Ballinteer, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A detached single storey three bedroom bungalow, creation of new vehicular access to existing house and relocation of existing vehicular access for the proposed and all associated site works at rear of 1 Rafter's Road, Drimnagh, 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 land use zoning of the site, the objectives of the Dublin City Development Plan 2016-2022, and to 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 seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the pattern of development in the area, the location and scale of the proposed development, and considered that it would not constitute haphazard and piecemeal development and would be in keeping with the pattern of development in 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 plans and particulars submitted on the 23rd 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. The proposed development shall be amended as follows:

The clear width between the proposed dwelling and boundary wall to the north-east and the boundary wall to the west shall be a minimum of 1.2 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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 the commencement of development, details of the boundary treatments between the existing and proposed dwellings shall be submitted to, and agreed in writing with, the planning authority. The approved boundary treatments shall be installed prior to the occupation of the new dwelling.

Reason: In the interests of orderly development and the visual amenities of the area.

5. The development shall comply with the following requirements of the planning authority:
 - (a) No gates shall open outwards across the public footpath.
 - (b) The footpath and kerb shall be dished and the new entrance to the proposed development shall be provided.
 - (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety.

6. 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.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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

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

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no extensions, garages, stores, offices or similar structures, shall be erected on the site without the prior grant of planning permission.


Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling.

12. In relation to individual houses, the naming and numbering of the dwelling unit shall be in accordance with a naming and numbering scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering.

13. 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 14th day of September 2021.

