

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1675/20

Appeal by The Surge Limited Partnership care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 16th day of June, 2021 by Dublin City Council to grant subject to conditions a permission to Michael Durcan care of Caomhan Murphy of Ennereilly House, Sea Road, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Subdivision of the rear garden of number 33 Park Avenue to allow for the construction of a new two-storey detached four bed dwelling with vehicular access off Park Lane. The site of the proposed new house is to the rear of 33 Park Avenue, with vehicular and pedestrian access off Park Lane. The proposed development includes first floor terraces with privacy screens, roof lights, PV panels, new boundary treatment to Park Lane incorporating a plant room and including modifications to the existing pedestrian and vehicular access from Park Lane and all associated site works, at site to the rear of number 33 Park Avenue, Sandymount, Dublin.

Decision

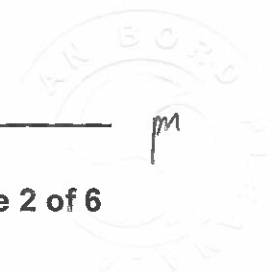
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 and Z2 zoning objectives pertaining to the site in the Dublin City Development Plan 2016-2022, and to the nature, scale and contemporary architectural design 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 residential amenities of the area due to overbearing, overlooking or overshadowing impacts, and would not be prejudicial to public health, or give rise to a traffic hazard. 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 plans and particulars submitted on the 19th day of May, 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. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority revised drawings which show a separation distance of 2.25 metres from the boundary shared with number 9 Park Lane.

Reason: In the interest of the residential amenity of the area.

3. 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 tree protection measures, noise management measures and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 mitigation measures outlined in the Arboricultural Assessment, submitted to the planning authority on the 19th day of May, 2021 as part of the Request for Further Information response, shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect trees and planting during the construction period, in the interest of visual amenity.

6. The following requirements shall be incorporated and where required, revised drawings/reports showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (i) The proposed vehicular entrance shall not exceed 3.6 metres in width and shall not have outward opening gates.

- (ii) The footpath and kerb shall be dished at the road junction in accordance with the requirements of the planning authority.
- (iii) The proposed store/plant shall not have outward opening gates.

Reason: In the interests of clarity, and pedestrian and traffic safety.

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

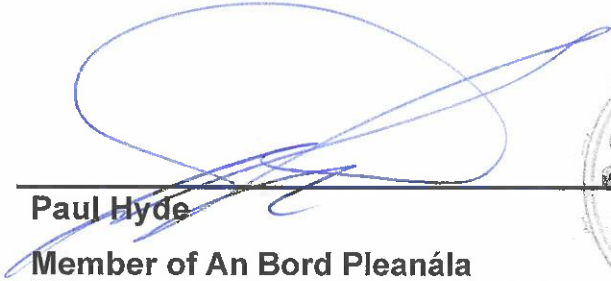
Reason: In the interest of public health.

- 8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

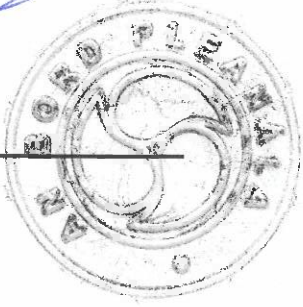
Reason: In the interest of public health.

- 9. 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 *24th* day of *MARCH* 2022.