

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1066/21

Appeal by Godfrey and Elaine Hogan care of Denis Williams Design Services Limited of Block 2, Quayside Business Park, Mill Street, Dundalk, County Louth against the decision made on the 16th day of June, 2021 by Dublin City Council to grant subject to conditions a permission to John Kennedy and Una Kelly care of Cineál of 10 South Terrace, Inchicore, Dublin of 14 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The retention of the division of the existing property into two dwelling flats and the retention of a 38 square metres single storey side annex to the lower ground floor dwelling flat; permission for the construction of alterations to this side annex including the reconstruction of the roof, front entrance and internal layout and two new rooflights; permission for the construction of a 45.5 square metres single storey extension to the rear of the lower ground floor dwelling flat and linked to the annex including one new roof light; a balcony to the rear of the upper ground floor dwelling flat, the widening of existing vehicular entrance, new vehicular entrance gate and associated landscaping works; all at 8, Garville Road, Dublin. The site is

accessed from Garville Road. This road is accessed by the Rathgar Road to the West and Frankfurt Avenue to the North-East.

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 objectives of the National Planning Framework, Government policy to ramp up delivery of housing from its current under-supply as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, National Policy Objective 13 of the National Planning Framework, which supports denser residential development on public transport corridors within the built-up area of Dublin city and its suburbs, as is proposed in this case, and the zoning provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development, including the retention of the subdivision of the existing property, would not seriously injure

the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience and would be acceptable in terms of pedestrian and cyclist safety. 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, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority dated the 20th 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.

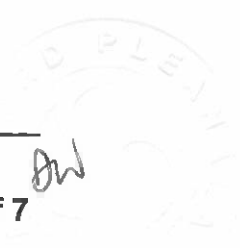
Reason: In the interest of clarity.

2. The developer shall comply with the following requirements:-
 - (a) the existing dwelling shall be subdivided into two permanent residential units only and the units shall not be used for any short-term residential lettings,
 - (b) no permission is granted for the widening of the existing vehicular entrance and on-site parking shall be restricted to one vehicle only,

- (c) the entrance shall not include outward opening gates, and
- (d) cycle parking shall be provided in accordance with the requirements of Dublin City Council.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The developer shall comply with the following requirements:-
- (a) the annex shall be subsumed entirely into the lower ground floor apartment which shall be jointly occupied as a single-family residential unit,
 - (b) no element of the lower ground floor unit hereby permitted shall be sold, let or otherwise transferred or conveyed to a third-party, save as part of the entire lower ground floor unit, unless otherwise authorised by a prior grant of planning permission,
 - (c) the existing front door serving the annex shall be removed and replaced with a window,
 - (d) the proposed pedestrian path serving the Annex shall be omitted, and
 - (e) the depth of the 'Winter Garden' shall not exceed two metres from the kitchen wall.



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: To restrict the use of the annex, and to provide access to the rear garden, in the interest of residential amenity and orderly development.

4. 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.

5. 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.

6. 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. This plan shall be prepared in accordance with the "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.

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. 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.

8. 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.

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.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *25th* day of *February* 2022.

