

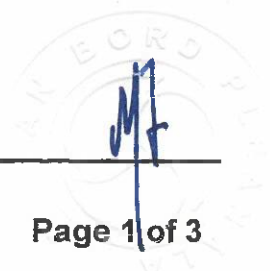
Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2752/21

Appeal by Martin Grahan and Tracey Murphy care of MARA Architects of Number 51 Clontarf Road, Clontarf, Dublin against the decision made on the 6th day of July, 2021 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of an existing part single, part two-storey, four bedroom, semi-detached dormer dwelling; and construction of a replacement part single, part two-storey, four bedroom detached dwelling with rooflights. Also, to include widening of existing vehicular entrance gate to front boundary, and all associated site works at 88 Kincora Road, Clontarf, Dublin.



Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 10 and the reason therefor and AMEND condition number 5 so that it shall be as follows for the reason set out.

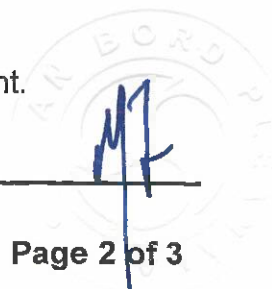
5. The following requirements of the Transportation Planning Division of Dublin City Council shall be complied with:

The developer shall ensure that the works associated with the entrance widening do not result in any damage to the existing street tree to the front of the site. Prior to the commencement of development, proposals showing the precise extent and methodology for the works and associated tree protection measures shall be submitted to and agreed in writing with the planning authority.

All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure an adequate standard of development.



Reasons and Considerations

Having regard to size and nature of the site, the pattern and character of development in the area, and the existing traffic conditions for vehicles, pedestrians and cyclist, it is considered that the proposed increase to the width of the entrance would not detract from the character or amenities of the area, would not interfere with the safety or convenience of the movements of vehicles or vulnerable road users, and would not damage existing trees subject to the agreement of detailed tree protection measures under Condition number 5(a) as modified in this order.

Furthermore, it is considered that an adequate separation distance would be provided between the south-facing first-floor windows and the rear garden serving Number 49 Belgrove Road, and that no unacceptable overlooking impacts would occur. Therefore, the planning authority's Condition Number 10 is not warranted.

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.

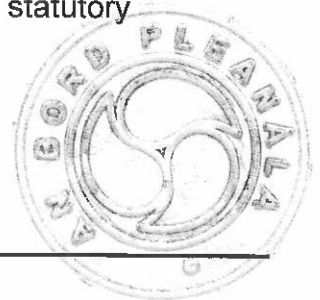


Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 1st day of March 2022