



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2983/21

Appeal by Michael Marron and Peter Marron care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 11th day of August, 2021 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development consists of: proposal to rear (unprotected) outbuildings of a Protected Structure (NIAH 50060216/Dublin City RPS Reference Number 1054). 1. Demolition of existing derelict print house, at rear of site, which was previously granted permission for upgrading (Planning Reference 3281/17). 2. Proposed construction of two-storey apartment building with four number (4) individual dwelling units: four number two-bedroom units. Two ground level terraces and two first floor balconies. 3. This proposal is to replace two existing light industry/storage grants of permission on the site (Dublin City Council Planning Reference 3281/17) and (Dublin City Council Planning Ref 3044/18). 4. Development to include use of existing rear access with existing entrance onto Cabra Road. Landscaped public open space, and enclosed bicycle storage for all units. 5. SuDS and foul drainage, landscaping, boundary treatments and all other associated site works. 6. All proposed works are within the curtilage of protected structure 21

Cabra Road (NIAH50060216). All works are to the rear of 21 Cabra Rd. There are no proposed works to the protected structure, all at rear of 21 Cabra Road, 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.

Reasons and Considerations

Having regard to the location of the site in close proximity to a wide range of high capacity public transport options and community and social facilities, the provisions of the Dublin City Council Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and the National Planning Framework, which seeks to direct new residential development in cities into built-up serviced areas, the planning history of the site, the pattern and character of development in the area and the design and scale of the proposed urban infill development on a brownfield site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and quality of development in this accessible urban location, would not seriously injure the amenities of surrounding properties or seriously detract from the architectural character of the Protected Structure or built heritage of the area, and would be acceptable in terms of the residential amenity of the occupants of the proposed development and of the protected structure. The proposed

proposed development 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 noted the specific position, size and shape of this brownfield urban infill site, and its contextual relationship with adjacent properties, and considered that the proposed development is sufficiently separate and subservient to the protected structure, and would not seriously injure the legibility and special architectural character of the Protected Structure and its curtilage. Furthermore, given the proximity of the proposed development to public amenities, retail, services and high-capacity urban public transport, the subject site is an appropriate location for the modest infill scheme as proposed and would provide for a high-quality residential environment for future occupiers.

Furthermore, the Board concurred with the Inspector that individually the quantitative deficiencies within the scheme in terms of the 2020 Apartment Guidelines may be considered minor, and noted the flexibility allowed therein for urban infill schemes on sites of up to 0.25 hectare, and therefore considered that collectively the overall standard of accommodation was acceptable given the site constraints.

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 proposed development shall be amended as follows:
 - (a) Screening/landscaping plans shall be provided for apartment number 1 ground floor terrace.
 - (b) Storage space of six square metres shall be provided within each of the units.

Details in respect of the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenity of existing and proposed properties and the visual amenity of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, 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. 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.

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

Reason: In the interest of public health.

6. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. 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 subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.

8. 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 management measures for noise, dust and dirt, and construction traffic management proposals.

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

9. 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.

10. Operational waste management measures shall comply with the following:
- (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles.

14. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

16. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) Structural proposals on how the existing stone boundary walls, including the eastern retaining wall on the north side of Cabra Road Bridge/Phibsborough Luas Stop shall be protected/supported during construction works.

Reason: In the interest of public safety and to protect the original fabric of the historic boundary wall

17. 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.

18. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City (St. Stephen's Green to Broombridge Line), 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.


Stephen Bohan

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *9th* day of *May* 2022.