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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2527/21**

**Appeal** by Michael Adams and Others care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin and by Orla Hegarty of 6 Church Lane, Rathmines, County Dublin against the decision made on the 11<sup>th</sup> day of October, 2021 by Dublin City Council to grant subject to conditions a permission to James Meagher care of Noonan Moran Architecture of 139 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of three number residential dwellings (total area circa 447.3 square metres), consisting of three number three bed townhouses (two storey plus attic/three storey), all with associated private garden and screened terrace at first floor level to the rear, off-street carparking with access from Church Avenue, landscaping works, site services and associated site development works at a site at 6 – 8 Church Avenue, 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 zoning objective as set out in the Dublin City Development Plan 2016-2022, the design, layout and scale of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would appropriately introduce residential use onto this suitably located infill site, would not detrimentally impact on the architectural heritage of the area including the adjacent Protected Structures, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety/parking provision and would comply with the provisions of the Dublin City Development Plan 2016-2022 and the Quality Housing for Sustainable Communities, 2007. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

*Handwritten signature and stamp*

## 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 20<sup>th</sup> day of September 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:
  - (a) The frosted glazed screens on the southern side of the first floor terraces, adjacent to Number 3 Church Lane, shall be 1.8 metres in height as measured from the ground level of the terrace.

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

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

3. Prior to commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to, and agreed in writing by the planning authority.

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

4. Prior to commencement of any works to the existing stone boundary wall on Church Avenue, a methodology for the removal, treatment, temporary storage, and reconstruction of the wall as part of the proposed dwellings, shall be submitted to, and agreed in writing with, the planning authority. The methodology shall be prepared by a qualified professional with specialised conservation expertise. The development shall be carried out in accordance with the methodology as approved.

**Reason:** In the interest of visual amenity of the area.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the street trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security

shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of the trees on the site.

6. 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.

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

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

10. Ducting shall be provided for in-curtilage car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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.

12. 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.

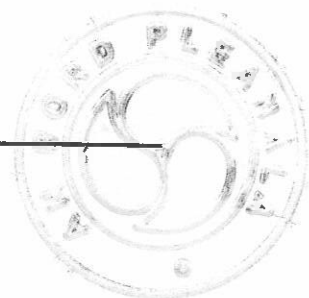
*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this *2<sup>nd</sup>* day of *August* 2022