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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3363/21**

**Appeal** by Willow Park Contracting Limited care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin against the decision made on the 14<sup>th</sup> day of October, 2021 by Dublin City Council to refuse a permission to Willow Park Contracting Limited for the proposed development.

**Proposed Development:** Permission for a new detached two-storey, three-bedroom house of circa 94.8 square metres with a new vehicular entrance from Lorcan Grove and associated site works and for the reduction of the garden of the house previously permitted under planning permission register reference 3666/17 at the corner of Lorcan Crescent and Lorcan Grove, all at the site beside 7 Lorcan Crescent, Santry, 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 pattern of development and the character of the area and to the design, form and layout on the site of the proposed development, it is considered that the proposed development would provide a suitable transition from the building line along Lorcan Grove, would make a positive contribution to the streetscape, would provide adequate internal accommodation for future occupants and would be acceptable in terms of parking, access, road safety and with respect to water supply and drainage. The 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 considered that, notwithstanding the reduced depth of the gardens, the open space available to the houses at Numbers 7 and 7a would achieve adequate direct sunlight, would be useable private open spaces and would, therefore, provide adequate amenity to the occupants. Furthermore, it is considered that the first-floor bedroom windows to the rear which are facing the side boundary of the rear garden of Number 5 Lorcan Crescent, are sufficiently set back from the side wall of the garden, do not directly face the back of the house and, as such, would not have an unduly negative impact on the private amenities of the property.

## 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 received by An Bord Pleanála on the 9<sup>th</sup> day of November, 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. 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.

3. 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.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

6. 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, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.


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

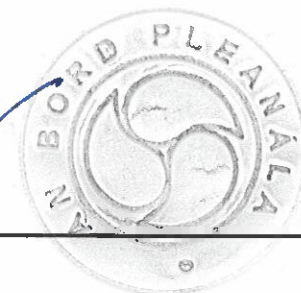
7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

8. 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.

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



Dated this 17<sup>th</sup> day of February 2022.