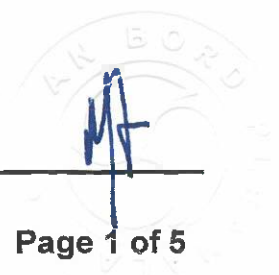


Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1910/21

Appeal by Mary Whelan of 11 Tivoli Avenue, Harold's Cross, Dublin against the decision made on the 27th day of October, 2021 by Dublin City Council in relation to an application by Greg Patel care of SONAA Architects of 14 Coulson Avenue, Dublin for permission for demolition of rear garage (12.08 square metres), single storey extension at rear (44.5 square metres), alterations to rear and side windows/doors, new boundary wall centred on laneway, alteration to front garden wall and the creation of a vehicular access at 12 Tivoli Avenue, Harold's Cross, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for demolition of rear garage (12.08 square metres), single storey extension at rear (44.5 square metres), alterations to rear and side windows/doors, new boundary wall centred on laneway and to refuse permission for alteration to front garden wall and the creation of a vehicular access).



Decision

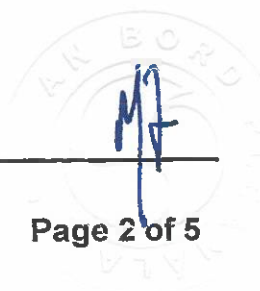
GRANT permission for the demolition of the garage, construction of a single storey extension and alterations to rear and side windows/doors in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for alteration to front garden wall and creation of a vehicular access and for construction of a new boundary wall centred on the laneway based on the reasons and considerations marked (2) under.

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 (1)

It is considered that, subject to compliance with the conditions set out below, the proposed single storey extension and alterations to rear and side windows/doors would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health or public safety or adversely affect the environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.



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.

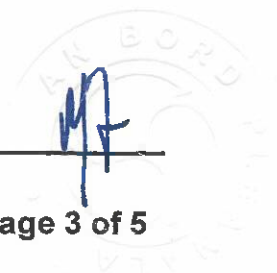
Reason: In the interest of clarity.

2. 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.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.



4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

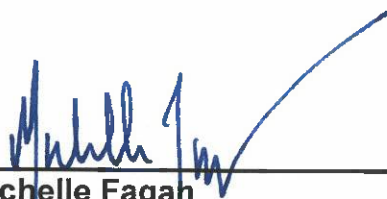
5. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Reasons and Considerations (2)

1. It is an objective of Dublin City Council under Policy MT14 of the Dublin City Development Plan 2016-2022 to seek to retain on-street parking as a resource for the city as far as practicable. It is considered that the site is located in an area where there is heavy reliance on on-street parking and that the proposed development of a new vehicular entrance and front garden parking bay would result in the loss of existing controlled on street parking reducing the supply available to residents on the street and in the wider area. The proposed development would, therefore, materially contravene Policy MT14 and would be contrary to the proper planning and sustainable development of the area.

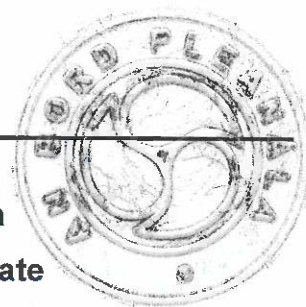
2. It is considered that the construction of a new boundary wall centred on the laneway would eliminate an existing on-site parking bay and may interfere with access to drainage infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Michelle Fagan

Member of An Bord Pleanála

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



Dated this 23rd day of March 2022.