

An  
Bord  
Pleanála

Board Order  
ABP-312024-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3463/21**

**Appeal** by Patricia Kerr care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin and by Others against the decision made on the 1<sup>st</sup> day of November, 2021 by Dublin City Council to grant subject to conditions a permission to CDP Developments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of: (i) demolition of existing two-storey four-bedroom semi-detached house at number 19 Victoria Road; (ii) construction of a replacement two-storey, five-bedroom, semi-detached dwelling with single storey element to rear; and (iii) all ancillary works, including SuDs drainage, landscaping and boundary treatments necessary to facilitate the development, all at 19 Victoria Road, Clontarf, 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 residential zoning that applies to the site under objective Z1 as set out in the Dublin City Development Plan 2016-2022, to the pattern of development in the area, and to the nature, scale and form of the proposed house on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan and with the established character of the area, would provide the occupants of the house with an acceptable standard of amenity and would not seriously injure the amenities, or depreciate the value, of properties in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

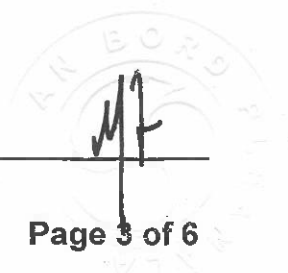
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer 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. The proposed development shall be amended as follows:
  - (a) The window to light the stairwell on the eastern elevation shall have the maximum dimension of 1 metres (height) x 0.8 metres (width) and shall be permanently fitted with obscured glazing.
  - (b) The window at first floor level serving the master bedrooms en-suite toilet in the west facing elevation shall be permanently fitted with obscured glazing.
  - (c) The flat roof, single storey part of the proposed house shall not be used for recreational purposes and shall be accessible for maintenance purposes only.

Revised drawings showing compliance with these requirements 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, 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.

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. The vehicular entrance shall be retained at its existing position and width and shall not have outward opening gates. All costs incurred by the 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.

**Reason:** For the safety and convenience of road users.


6. The site and building works required to implement the development shall only be carried out between the hours of 0700 to 1800 from Mondays to Fridays and 0800 and 1400 on Saturdays with no works on Sundays or public holidays - No activity on site. Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

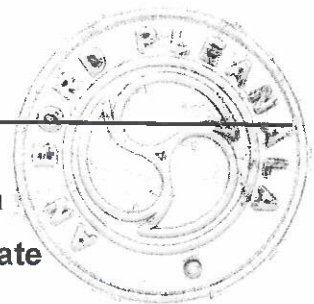
During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Code of practice for noise and vibration control on construction and open sites – Part 1: Noise'.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers.

7. 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.

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



Dated this 7<sup>th</sup> day of June 2022