

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3468/21

Appeal by Edward Donnelly and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 2nd day of November, 2021 by Dublin City Council to grant, subject to condition, a permission to Tzu-Em Yu 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: (a) Demolition of existing workshop (114 square metres), semi covered courtyard (99 square metres) and office (7.5 square metres), and (b) construction of a two bedroom, two-storey detached dwelling. The dwelling will be served by a covered laneway, a garage with one number car parking space and various areas of private open space. Vehicular access to the site will be provided via an existing access from Lullymore Terrace. The existing gate will be repalced to facilitate this. A second access for pedestrians will be provided via a laneway from Donore Avenue. (c) Permission is also sought for landscaping, boundary treatments, SuDs drainage and all associated works necessary to facilitate development, all at 21A Lullymore Terrace, South Circular Road, Saint Catherine's, 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 policies and objectives of the Dublin City Development Plan, 2016-2022, including the Z1 residential zoning objective that applies to the site and the provisions regarding infill and back land development in sections 16.2.2.2, 16.10.8 and 16.10.10 of the plan, as well as to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established character of the area, would provide a suitable standard of amenity for its occupants, would not seriously injure the amenities of property in the vicinity of the site, would not injure the architectural or natural heritage of the area, and would not give rise to traffic hazard. 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 construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The final plan shall be based on the preliminary plan submitted to the Board on the 5th day of January 2022 and shall provide details of intended construction practice for the development, including access and parking for vehicles, noise management measures and off-site disposal of construction/demolition waste. The hours of working shall be between 0700 and 1900 Monday to Friday and 0800 and 1400 on Saturday, unless the prior written agreement of the planning authority to works outside these hours has been obtained. The footpath across the entrance to the proposed development from Lullymore Terrace shall be repaired and reinstated to the satisfaction of the planning authority upon completion of the proposed development.

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

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the external materials and finishes of the permitted structures and of the landscaping and boundary treatment of the site.

Reason: In the interest of visual amenity.

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. 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.

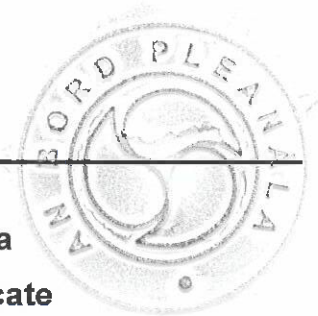
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Terry Ó Niadh

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



Dated this *8th* day of *April*, 2022.