

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3560/21

Appeal by Joseph Hyland of Marland Property Limited care of TODD Architects Limited of The Old Barracks, 4a Lad Lane, Hagan's Court, Dublin against the decision made on the 18th day of November, 2021 by Dublin City Council in relation to an application by Joseph Hyland of Marland Property Limited for development comprising partial demolition of a ground and first floor extension to the side and rear of the existing dwelling and construction of a new two-storey, semi-detached three bedroom dwelling with a balcony to front, over a partial basement with a total floor area of 174.9 square metres. The works also include the construction of one additional surface parking space, a new vehicular/pedestrian entrance onto Haddington Road, connection to public utilities and drainage networks and all other associated works, at 100 Haddington Road, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for partial demolition of a ground and first floor extension to the side and rear of the existing dwelling and to refuse permission for construction of a new two-storey, semi-detached three bedroom dwelling with a balcony to front, over a partial basement with a total floor area of 174.9 square metres. The works also include the construction of one additional surface parking space, a new vehicular/pedestrian entrance

onto Haddington Road, connection to public utilities and drainage networks and all other associated works).

Decision

GRANT permission for partial demolition of a ground and first floor extension to the side and rear of the existing dwelling 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 construction of a new two-storey, semi-detached three bedroom dwelling with a balcony to front, over a partial basement with a total floor area of 174.9 square metres. The works also include the construction of one additional surface parking space, a new vehicular/pedestrian entrance onto Haddington Road, connection to public utilities and drainage networks and all other associated works based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and scale of the proposals to demolish the lean-to structures (51 square metres) to the side and rear of the existing dwelling and to construct a two-storey extension to the side and rear of the house (59 square metres), and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not be out of character with development in the area, would be complementary to the host house, would not seriously injure the visual amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Dublin City Development Plan 2022- 2028. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by further plans and drawings submitted with the appeal on the 14th day of December, 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 construction of a vehicular entrance and the provision of two private off-street car parking spaces to the front garden area, including dishing of the public footpath and kerb, shall be omitted from the proposed development.

Reason: In the interest of clarity.

3. The privacy louvres on the rear (north) elevation of the proposed extension shall be installed and maintained in place thereafter.

Reason: To protect residential amenities.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. 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.

7. 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.

8. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

9. 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.

Reasons and Considerations (2)

1. Having regard to the architectural form and composition of numbers 98 and 100 Haddington Road and the position and height of the proposed dwelling relative to the rear garden of number 65 Grand Canal Street Upper, it is considered that the proposed dwelling would, by reason of its forward position abutting onto number 100 Haddington Road and two-storey height abutting onto the boundary of number 65 Grand Canal Street Upper, seriously injure the architectural character of the area and the residential amenity of number 65 Grand Canal Street Upper by way of overshadowing and overbearing impacts. This element of the proposed development would, therefore, be contrary to the Z2 zoning objective for the site, to protect and/or improve the amenities of residential conservation areas, and to the proper planning and sustainable development of the area.
2. The proposed dwelling would result in a deficient standard of private open space for the occupants of the existing dwelling on the site, number 100 Haddington Road. This element of the proposed development would, therefore, constitute overdevelopment of the site and would, in itself and by the undesirable precedent it would set for similar development in the area, seriously injure the amenity of property in the vicinity. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

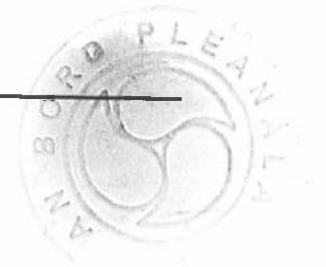
Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *7th* day of *June* 2023.