

An  
Bord  
Pleanála

## Board Order ABP 312515-22

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2542/21**

**Appeal** by Michael Flood care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 13<sup>th</sup> day of December, 2021 by Dublin City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for the development will consist of an infill residential scheme of three number two-storey houses consisting of a pair of semi-detached houses and a detached house all with three bedrooms. The development includes a shared surface with two on-street carparking spaces for the pair of semi-detached houses and a vehicular access gate and one parking space for the detached house together with bin storage, bike parking and landscaping. The development also includes a pumping station to the rear of the house together with all associated site development works. The site is to the north of the existing end of terraced house at north of Emerald Square, off Cork Street, Dublin.

### Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.**

## Reasons and Considerations

Having regard to the nature, design and scale of the proposed development in an urban setting, residential land use zoning and other objectives contained in the Dublin City Development Plan 2022-2028, including Policy QHSN6 (Urban Consolidation) and Section 15.5.2 (Infill Development), it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities or residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts, would be satisfactory in the context of traffic safety and convenience, would not represent a risk of flooding on either the proposed development site itself or on other lands and as such would not be prejudicial to public health. 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, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of November 2021 and by the further plans and particulars received by An Bord Pleanála on 18<sup>th</sup> January 2022, 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. Prior to the commencement of development, details of the materials, colours and textures of all external finishes, shall be submitted to and agreed in writing by the planning authority.

**Reason:** In the interests of orderly development and the visual amenities of the area.

3. Prior to the commencement of development, details of the drainage arrangements, including culvert protection measures, shall be submitted to and agreed in writing by the planning authority.

**Reason:** In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.

**Reason:** In the interest of orderly development.

5. The developer shall submit to, and agree in writing with, the planning authority details of the site's landscape and boundary treatment prior to commencement of the development.

**Reason:** In the interest of residential amenity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. The naming and numbering of the dwellings shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the planning authority, prior to the occupation of the dwelling.

**Reason:** In the interest of orderly street numbering.

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 intended construction practice for the development, tree protection measures, noise management measures and off-site disposal of construction/demolition waste.


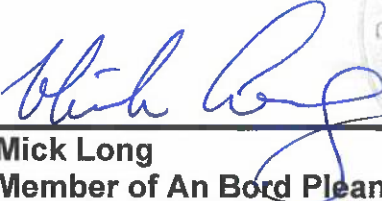
**Reason:** In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

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

Dated this *14* day of *June* 2023