

An
Bord
Pleanála

Board Order
ABP-312831-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3024/2.

Appeal by SRM Developments Limited care of Gravis Planning of Denshaw House, 121 Baggot Street, Dublin against the decision made on the 26th day of January, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of a single storey garage structure and a single storey outbuilding and construction of a two-storey apartment building consisting of two number one-bedroom apartments, including a balcony at first floor level to the front of the proposed property, facing onto Saint Joseph's Villas, and a new boundary wall within the curtilage of number 17 Richmond Street North, together with bicycle storage, bin storage, landscaping and all associated site works and services, all at site to the rear of number 17 Richmond Street North, accessed via Saint Joseph's Villas, 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 land-use zoning objectives for the site, as set out in the Dublin City Development Plan 2022-2028, the nature, scale and design of the proposed development, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately introduce a residential use onto this inner-city site, would be acceptable in terms of design, height and scale of development, would provide a suitable level of amenity for future occupants, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of access and laneway width, without excessive hindrance to neighbouring properties, and would comply with the provisions of DMURS 2019, the provisions of the development plan and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 21st day of December, 2021, and the further information received by An Bord Pleanála on the 30th day of August, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

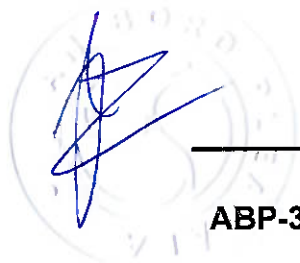
Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a revised plan and elevation drawing for insertion of an angled window to the first-floor bedroom, facing the rear garden of number 16 Richmond Street North.

Reason: In the interest of residential amenity.

3. 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.



4. The developer shall comply with all the requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:

- (a) Gates shall be inward opening and shall not open onto the public laneway.
- (b) Roads and traffic arrangements serving the site (including connections and making good) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The materials used in any roads/surfaces provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (d) Cycle parking shall be in-situ prior to the occupation of the proposed development.

Reason: In the interest of traffic safety and in the interest of sustainable transportation.

5. The construction of the proposed 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 proposed 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 interest of public safety and residential amenity.

6. Site development and building works shall be carried out only 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 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.

7. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.


Reason: In the interest of orderly development.

8. 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.

9. The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann prior to commencement of development.

Reason: In the interest of public health.



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.

11. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Supplementary Development Contribution Scheme - St. Stephen's Green to Broombridge Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Joe Boland

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

Dated this 18TH day of October 2023.