



An
Bord
Pleanála

Board Order
ABP-313296-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3114/22

Appeal by Maura and Graham Earley care of Box Urban of 2 Summerhill Parade, Dun Laoghaire, County Dublin against the decision made on the 16th day of March, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of the existing single storey garage, omission of the existing vehicular access from Cremore Road to provide pedestrian access, construction of a single storey single person dwelling attached to neighbouring garage and alterations to side boundary railings at site to the rear of 11 Cremore Avenue, 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 pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, and to the standards for the development of houses on corner sites and side gardens, set out in section 16.10.9 of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 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 proposed 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 any works on site, the developer shall submit for the written agreement of the planning authority revised drawings showing details of the proposed landscaping for the area to the front of the proposed dwelling along Cremore Road. All planting shall be carried out within the first growing season of occupation of the proposed dwelling.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between 0800 hours to 1900 hours Mondays to Fridays, inclusive, between 0900 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 amenities of property in the vicinity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential 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. Details in relation to the provision of a soakpit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and surface water management.

8. No additional development shall take place above roof parapet level, including storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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.


Michelle Fagan

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

Dated this 23rd day of August 2022.

