



An
Bord
Pleanála

Board Order
ABP-313528-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3843/21

Appeal by Colum and Lorraine McDaid of 108 Inchicore Road, Kilmainham, Dublin and by David and Sheila Sherwin of Belmont House, 112 Inchicore Road, Dublin against the decision made on the 20th day of April, 2022 by Dublin City Council to grant subject to conditions a permission to Colm and Pauline Cannon care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing shed (circa 42 square metres) and the construction of a detached two-storey six-bedroom dwelling (circa 239 square metres) and associated detached garage (circa 32 square metres). The development will also comprise hard and soft landscaping, including the provision of boundary treatments, gates and fencing, where required, associated site servicing (foul and surface water drainage and water supply) and all other site excavation and development works above and below ground, all on a site of circa 0.1276 hectares, which comprises part of the garden of 110 Inchicore Road, Kilmainham, located to the rear of 102, 104, 106 and 108 Inchicore Road, Kilmainham and the associated laneway between 108 and 110 Inchicore Road, Kilmainham, 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 Dublin City Development Plan 2022-2028, to the residential zoning (Z1) of the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of residential property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 24th day of March, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed house shall be occupied as a single dwelling unit. No part of the house shall be separated, sold, let or otherwise transferred or conveyed, save as part of one single dwelling unit. The detached garage structure shall be used for purposes incidental to the enjoyment of the house and shall not be used for residential purposes.

Reason: In the interest of residential amenity and to restrict the potential level of vehicular movements, in the interest of traffic and pedestrian safety.

3. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and traffic safety.

5. The developer shall comply with the following requirements of Iarnród Éireann:
 - (a) The Railway Safety Act 2005, places an obligation on all persons carrying out any works on or near the railway, to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the proximity of the site to the railway line to the north, the developer must take into account this obligation in design, construction and operation of the development.

- (b) No construction works or heavy materials storage shall be carried out within four metres of the stone wall which forms the northern boundary of the development site.
- (c) The developer shall not undermine the integrity of the railway embankment to the north of the site.

Reason: To ensure a satisfactory standard of development and in the interest of rail traffic safety.

- 6. Construction works shall be limited to the hours of 0700 to 1900 Mondays to Fridays and 0800 hours to 1400 hours on Saturdays. No construction works shall take place on Sundays or bank holidays. Deviations from these times shall only be allowed where a written request, with compelling reasons for the proposed deviation, has been submitted to the planning authority, and written consent obtained.

Reason: In the interest of residential amenity.

7. 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 the 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 the Board 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.

Eamonn James Kelly

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Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *14th* day of *July*, 2023.