

An  
Bord  
Pleanála

Board Order  
ABP-313550-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3806/21**

**Appeal** by Deborah Rogers of 186 Charlemont, Griffith Avenue, Dublin against the decision made on the 20th day of April, 2022 by Dublin City Council to grant subject to conditions a permission to Deidre Halligan of 185 Charlemont, Griffith Avenue, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The provision of two number semi-detached part single storey to rear, rear two-storey, two bed dwellings located on a site adjacent to 185 Charlemont. The proposed new dwellings are to be independent of the existing dwelling. The provision of covered bin/bike storage to the side of each new dwelling and two number car parking spaces. The widening of existing vehicular entrance, along with all landscaping and ancillary works necessary to facilitate the development, all at 185 Charlemont, Griffith Avenue, Dublin.

P.C.

## 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 provisions of Dublin City Development Plan 2022 – 2028, in particular Section 15.13.3 (Infill/Side Garden Housing Developments) which expresses support for the type of infill development proposed subject to meeting stated criteria, the Board was satisfied that subject to compliance with the conditions set out below, the proposed development would be an appropriate form of infill development, would be compatible with the design and scale with adjoining dwellings and the visual and residential amenities of the area and it would provide a satisfactory standard of amenity to future occupiers. Traffic generation would be capable of being accommodated on the public road network and access and parking arrangements would be satisfactory. No water or Appropriate Assessment issues arise. The proposed development would, therefore, align with the provisions of the statutory development plan for the area and would 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 24<sup>th</sup> day of March 2022, except as otherwise may 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 proposed development shall be amended as follows:
  - (a) The bedroom windows in the side elevations of the dwellinghouses shall be high-level windows.
  - (b) The bathroom windows in the rear elevations of the dwellinghouses shall be top-hung windows. They shall be glazed in opaque glazing and such glazing shall be retained in place for the duration of the dwelling houses.
  - (c) The proposed three parking spaces shall be clearly denoted as such by means of their surface materials and/or formal lining and one space shall be allocated to each house (including one to the existing number and one for each of the new houses proposed), generally as laid out on Drawing number A1 201\_P00 received by the planning authority on the 24<sup>th</sup> day of March 2022.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To safeguard the residential amenities of the area and to promote the use of the parking spaces for their intended use.

3. Prior to the occupation of the dwellinghouses, the proposed shutters for the bedroom windows in their front elevations shall be installed in a permanently fixed position at right angles to the front plane of these elevations. These shutters shall remain in-situ in a permanently fixed position for the duration of the dwellinghouses.

**Reason:** In order to safeguard the residential amenities of neighbouring properties to the southwest of proposed development.

4. Details of the materials, colours, and textures of all the external finishes to the proposed dwellinghouses, including the bedroom window shutters and their fixing mechanism, and all the external finishes to accompanying surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

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

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

8. (a) 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, including noise management measures and off-site disposal of construction/demolition waste.
- (b) The construction of the development shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. Proposals for a house naming and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of urban legibility.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed new dwellinghouses without a prior grant of planning permission.

**Reason:** In order to afford the planning authority the opportunity to control any future development in the interest of residential amenity.

11. 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.

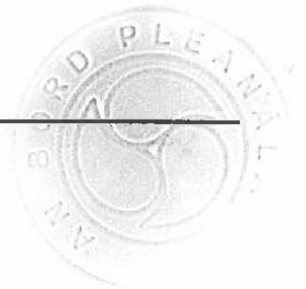
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

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



Dated this 17 day of July

2023.