



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3471/22

APPEAL by Aine Nic an Riogh of 31 Dunluce Road, Clontarf, Dublin against the decision made on the 29th day of April, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing outhouses and side extension to house, widening of existing pedestrian gate on Dunluce Road to create a new vehicular entrance and one parking space, permission for construction of a two-storey, three-bedroom detached house, new pedestrian gate and widening of existing vehicular entrance on Dunluce Road and all ancillary site works, all at 31 Dunluce Road, Clontarf, 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 2022-2028, and to the standards for the development of corner/side gardens set out in Section 15.13.3 of that plan, it is considered that, subject to compliance with conditions set out below, the proposed house would not seriously injure the visual amenity or the character of the area or the amenities of property in the vicinity, would provide acceptable private amenity space for future occupiers and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would comprise an appropriate form of residential development within this urban area. It was considered that the siting of the proposed unit on the site would be appropriate having regard to the established breach of the building line to the north on the opposite side of the road and within the wider area. The Board disagreed with the Inspector that the proposed dwellinghouse would be visually obtrusive and intrusive within the context of the existing streetscape by reason of its detached configuration and roof profile having regard to the context within which the site is situated which has been sufficiently robust so as to absorb new typologies in design as detailed in the submissions made by the appellant on appeal.

In respect of the provision of private amenity space, it was considered that the area of private amenity space proposed to the front of the house was quantitatively and qualitatively appropriate on the basis of the significant landscaping which surrounds the boundary with the public footpath and the privacy that this would afford to future occupiers. It was also considered appropriate to permit the parking space proposed to the rear of the site as proposed in the documentation submitted to the planning authority.

Conditions

1. The 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 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, the developer shall submit to and agree in writing with the planning authority a full schedule of revised plans which reflect the amendments set out in the appeal received by An Bord Pleanála on the 26th day of May 2022 save for the parking space to the rear of the development which shall be retained.

Reason: In order to safeguard the amenities of property in the vicinity.

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

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

Reason: In the interests of visual and residential amenity.

6. 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 and surface water management.

7. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

8. The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters.

Reason: In the interest of public safety.

9. 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.

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

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



Mary Cregg

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



Dated this 13th day of July 2023.