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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3310/22**

**Appeal** by Susan Duffy of 7 Old Mountpleasant, Ranelagh, Dublin against the decision made on the 6<sup>th</sup> day of July, 2022 by Dublin City Council to grant subject to conditions a permission to Evan O'Donnell care of MHOC Consult of 6 Stephen's Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing semi-detached dormer house of area circa 55 square metres and construction of a new two storey house of area circa 140 square metres, with associated site works and landscaping, all on a site of circa 168 square metres at the rear of number 7 Old Mountpleasant, Dublin fronting onto Oxford Lane.

**Decision**

**GRANT permission** of 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.

## 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 the Dublin City Development Plan 2022-2028, the existing pattern of development in the area, and the nature and scale of the proposed development, 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 property in the vicinity. The proposed development would, therefore, 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 further information submitted to the planning authority on the 9<sup>th</sup> day of June, 2022, 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. That part of the period brick wall on the western boundary of the site from the rear (garden) ground floor elevation of the proposed dwelling to the north-west corner of the application site shall be safeguarded during demolition and construction works. Details of works to repair and reinstate missing sections of this part of the redbrick garden wall shall be submitted to the planning authority for written agreement prior to the commencement of any works on site.

**Reason:** In the interests of safeguarding the visual, residential, and built heritage amenity of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

4. The demolition and construction phases of the proposed development shall be managed in accordance with a Demolition and 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 traffic management and access, noise management measures, dust management measures, protection of site boundary measures, off-site disposal of demolition and construction waste storage of materials including measures taken to deal with hazardous materials.

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

5. 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.

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.

7. The developer shall comply with the following Transportation Divisions requirements:

- (a) The setback area to the front of the development shall be taken in charge by the planning authority. Prior to commencement of the development, details of works within the setback area including materials, roads line markings, drainage and public lighting provision shall be agreed in writing with the planning authority. All works will be at the developer's expense.
- (b) The canopy over the front door shall be omitted (as stated in the submission from MHOC Consult received by the planning authority on the 9<sup>th</sup> day of June, 2022).
- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

9. 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.

10. The site development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

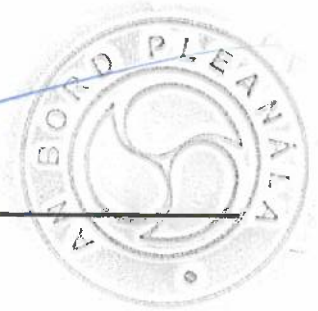
**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during demolition and construction works as well as in the interests of orderly development.

11. The planning authority shall approve the naming of the proposed dwelling in order to avoid confusion with similar names and numbering in other locations. In this regard, the developer shall submit a minimum of two names and include details of the criteria such as having regard to local history, heritage and/or cultural associations, consultation with An Post, as well as evidence of due diligence undertaken to ensure that there is no duplication with existing names in the city.

**Reason:** In the interests of orderly naming and numbering of dwelling units within the city, to enhance urban legibility and to ensure no confusion for emergency service vehicles.

12. 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.



**Tom Rabbette**

**Member of An Bord Pleanála**

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

Dated this

*20<sup>th</sup>* day of *July*

**2023.**