

An
Bord
Pleanála

Board Order ABP-314491-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4247/22

Appeal by Eileen Brady of 13 St. Brendan Park, Dublin against the decision made on the 10th day of August, 2022 by Dublin City Council to grant subject to conditions a permission to Gary Flood care of O'Neill Town Planning and Development Consultants of Oakdene, Harbour Road, Howth, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Partial demolition of existing dwelling to the side and rear, construction of one two-storey three-bedroom detached house (114 square metres) to the side and one two-storey two-bedroom house (114 square metres) to the rear of the existing dwelling, the creation of two new vehicular entrances to the two new houses and the relocation of the existing vehicular entrance to the existing house, all with one car parking space. The creation of three areas of private open space for the existing house and the two proposed dwellings. The proposed development also includes all associated site development works, including hard and soft landscaping, drainage, attenuation, all at 67 Ennel Drive, 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 residential zoning objective for the area, as set out in the Dublin City Development Plan 2022-2028, as well as 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 adversely impact on the visual amenities of the existing adjoining dwellings and the streetscape, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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 and completed 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. The proposed development hereby permitted shall incorporate the following amendments:
- (a) The boundary wall to House A adjacent to and forward of the front building line of House B shall not exceed two metres in height.
 - (b) The boundary wall to the rear of House A onto Saint Brendan's Park shall not exceed two metres in height measured from the pavement side and shall fall to 1.5 metres in height immediately forward of the rear building line of the dwelling.
 - (c) The pedestrian entrance and adjoining wall to the north side of House A shall be relocated to align with the rear building line of the dwelling and the height of the adjoining wall shall be amended to provide an appropriate transition to the height of the boundary wall onto Saint Brendan's Park.

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

3. 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.

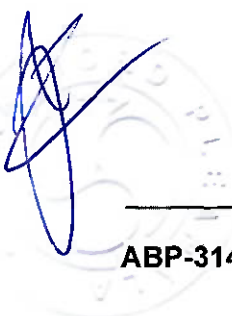
Reason: In the interest of public health.

4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

5. No more than one car parking space shall be provided to each of House A and House B and the remainder of the front garden of each dwelling shall be set out and permanently retained in soft landscaping/planting.

Reason: In the interest of visual amenity, sustainability and biodiversity.



6. The provision of the entrances and the restoration of the public footpath shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Within two months of the date of this order, the developer shall submit to, and agree in writing with, the planning authority a landscaping scheme in relation to the site. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

8. The planning authority shall approve the naming and numbering of the new dwellings in order to avoid confusion with similar names in other locations. The developer shall agree a scheme name, which shall be in both the Irish and the English language, with the planning authority prior to commencement of development and the name selected shall be installed on site.

Reason: In the interest of orderly street naming and numbering, to enhance urban legibility, and to retain local place name associations.

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

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 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 residential amenities of property in the vicinity.



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 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.



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

Dated this *10TH* day of *November* 2023.