

An
Bord
Pleanála

Board Order
ABP-314753-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0339

Appeal by Jean Feeney care of Whyte Planning Consultants Limited of Great Connell, Newbridge, County Kildare against the decision made on the 7th day of September, 2022 by South Dublin County Council to refuse permission to Jean Feeney for the proposed development.

Proposed Development: Demolition of existing single storey side extension to Number 29 Boot Road and permission to sub-divide existing house to construct a two-storey semi-detached (end of terrace) house to side of Number 29, connection to public foul sewer, shared parking space to front of Number 29 and all associated site works, all at Number 29 Boot Road, Brideswell Commons, 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 Project Ireland 2040: The National Planning Framework and its relevant objectives which seek to consolidate residential growth in urban areas, and the provisions of the South Dublin County Development Plan, 2022 - 2028, including the 'RES' zoning objective for the site, to the specific characteristics of the site and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11th day of August, 2022 and by An Bord Pleanála on the 4th day of October, 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. The proposed development shall be amended as follows:
- (a) the applicant shall provide a revised high-quality boundary treatment to Brideswell Lane. This shall comprise a low plinth wall adjacent to the eastern façade of the dwelling, the height of which can then be increased to a maximum height of two metres, adjacent to the rear amenity space, and
 - (b) the omission of the first-floor level balcony on the rear elevation shall be replaced with a conventional window to serve the first floor living area.

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

Reason: In the interests of visual and residential amenity.

3. Arrangements for the allocation of parking between the two dwellings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: in the interest of clarity.

4. Details, including samples, 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. The width of the proposed vehicular entrance shall not exceed four metres and its design and layout shall comply with the requirements of the planning authority.

Reason: In the interest of proper planning and sustainable development.

5. Drainage arrangements, including the 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.

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann, formerly Irish Water.

Reason: In the interest of public health.

7. 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 dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

8. (a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, shall be undertaken until the archaeological assessment has been completed and commented on by the Department of Housing, Local Government and Heritage.

- (b) The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment, a programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service of the Department of Housing, Local Government and Heritage.
- (c) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 and 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.

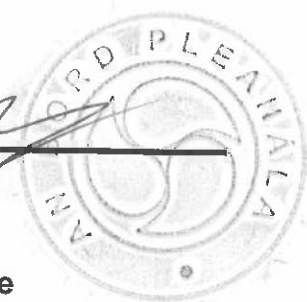
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 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.



Stephen Brophy

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



Dated this 20th day of July 2023.