

An
Bord
Pleanála

Board Order ABP-315103-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0999

Appeal by Patrick and Patricia Boylan care of William Doran of 7 Mary's Road, Ballsbridge, Dublin against the decision made on the 20th day of October, 2022 by Dun Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Demolition of existing dwelling and replacement with a two-storey detached dwelling utilising existing vehicular access, and two semi-detached two-storey dwellings with new vehicular access driveways, all at 41 Hainault Road, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

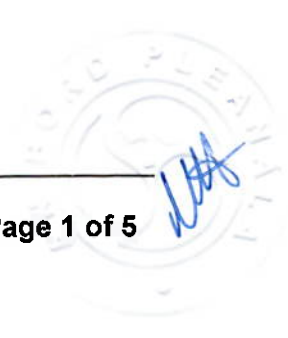
**An amendment to this
Board Order has been made**

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Reasons and Considerations

Having regard to the residential zoning objective and the accessible location of the development site (Figure Core Strategy Map of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 - Dublin & Suburbs Designation — Urban) proximate to high frequency public transport, and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which, inter alia, encourages small scale infill residential development and requires 100% of all new homes pertaining to Dublin City and Suburbs to be provided within or contiguous to its geographic boundary, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a reasonable level of residential amenity, would not have an adverse impact on existing residential amenities, and 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, as amended by the further plans and particulars received by the planning authority on the 26th day of September, 2022, and by the further plans and particulars received by An Bord Pleanála on the 15th day of November 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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2. The proposed development shall be amended as follows:

- The gable windows in House 1 (north-west elevation) on the ground floor shall be omitted or relocated not to directly face the gable window in House 2.

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

Reason: In the interest of residential amenity

3. Details of the external finishes of the proposed development 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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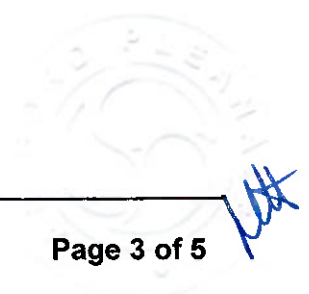
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6. The developer shall adhere to the recommendations of the Transportation Department of the planning authority.

Reason: In the interest of road safety and 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 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.

8. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of visual and residential amenity.

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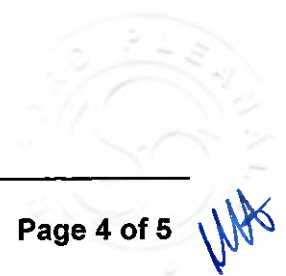
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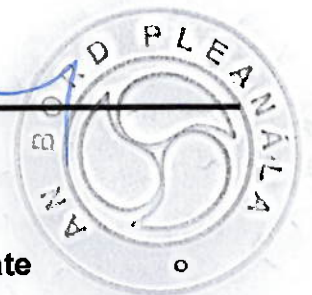
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10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf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


Martina Hennessy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 15th day of December 2023.

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