

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4449/22

Appeal by Graham Walker care of Hughes Planning of 85 Merrion Square, Dublin against the decision made on the 27th day of October, 2022 by Dublin City Council to grant subject to conditions a permission to Harold Properties Limited care of Weber Architecture of 180 Rathgar Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to demolish an existing car valeting canopy/washing station and single storey building at rear of units 214-216; also erect new two-storey extension at rear of units 214-216 to consist of one open-plan retail unit on ground floor and one open-plan professional office on first floor. For the existing two-storey building proposed internal alterations are the integration of ground floors at unit numbers 214-216 (currently 'Graham Walker Cars') and at unit 218 (currently 'Gold Thai Massage') into one open-plan retail unit, also the integration of first floors at unit no's 214-216-218 (currently 'Graham Walker Cars') into one open-plan professional office. Permission also sought for change of permitted use from 'shops and offices' (plan number 0395/91) to retail use for the ground floor and to professional office use for the first floor. New ground floor fenestration to front elevation.

Access to front retail unit will be from Harold's Cross Road. Access to the rear retail unit and both first floor professional offices will be from an existing vehicular gate entrance on Mountain View Avenue with an additional entrance to the rear ground floor retail unit from Shamrock Villas; all at 214-216-218 Harold's Cross Road, Harold's Cross, 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 location of the site within the village of Harold's Cross, the Z4 zoning objective relating to the site as set out in the Dublin City Development Plan 2022-2028, and the existing pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in keeping with the character of the area, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of traffic and pedestrian safety and convenience. 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 the further plans and particulars submitted to the planning authority on the 30th day of September 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.

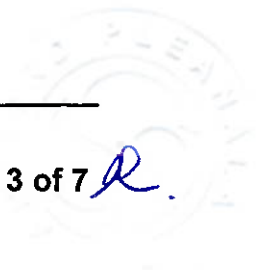
Reason: In the interest of clarity.

2. The retail units at ground floor level shall be used as shops as set out under Class 1 of Part 4 of Schedule 2 to the Planning & Development Regulations 2001, as amended. The open-plan space at first floor level shall not be used as a betting office.

Prior to the opening of the retail and office units, details in relation to the uses shall be submitted to, and agreed in writing with, the planning authority.

Reason: To clarify the scope of the permission and in the interest of the visual amenities of the area.

3. The shopfronts and fascia signage shall be in accordance with the following requirements:-
 - (a) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) no additional awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,



- c) external roller shutter shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour, and
- (d) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

- 4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

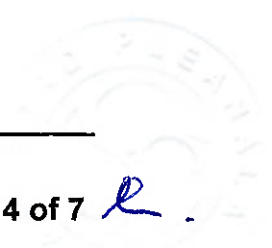
Reason: To protect the visual amenities of the area.

- 5. No further amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.

Reason: To control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

- 6. The hours of opening of the retail units shall be restricted to between 0730 hours and 2200 hours.

Reason: In the interest of orderly development and to protect the amenities of adjacent property.



7. Full details in relation to deliveries and the set down space to the rear yard of the site shall be submitted to, and agreed in writing with, the planning authority prior to the operation of the permitted units.

Reason: In the interest of traffic safety.

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

9. The developer shall comply with the following requirements:
- (a) revised plans indicating specifications and finishes to the front of the property along Harolds Cross Road, including measures in the form of bollards and/or hard/soft landscaping to prevent the parking of vehicles on the private landing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development,
 - (b) all cycle parking shall be of the Sheffield style design,
 - (c) entrance doors onto Shamrock Villas shall be inward opening, and
 - (d) all costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of traffic safety and the amenity of the area.



10. 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.

11. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

12. 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 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.

13. The construction of the development shall be managed in accordance with a Construction and Environmental 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 access arrangements for construction traffic, noise management measures and off-site disposal of construction/demolition waste.

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

14. 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.

Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *30th* day of *November* 2023.