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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3486/22**

**Appeal** by Tom Rowley care of Armstrong Fenton Associates, Planning and Development Consultants of 13 The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin against the decision made on the 15<sup>th</sup> day of November, 2022 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** The construction of four number terraced dwellings, comprised of two number three-storey four bedroom end of terrace dwellings and two number three-storey four bedroom mid-terrace dwellings. Each of the proposed dwellings include the provision of a southern facing balcony. The proposed development also provides a new vehicular access point located off South Circular Road and surface car parking comprising of six number car parking spaces. The proposed development also includes for all associated site development works, landscaping, boundary treatments, pedestrian / cycle access from South Circular Road, infrastructural connections, bin storage etc. on lands to the north and east of number 726 South Circular Road, 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 on serviced urban land, the Z1 residential land zoning, the nature and scale of the development proposed, the pattern of development in the vicinity, to the planning history of the subject and adjoining sites and to the policies of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and would represent a good design response to an underutilised site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to compliance with Condition Number 2 hereunder, a functional and safe access at this location can be achieved.

## 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 received by the planning authority on the 19<sup>th</sup> 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 vehicular entrance off the South Circular Road, the on-site vehicular access road and on-site car parking shall not be permitted. Pedestrian and bicycle access only shall be provided for off the South Circular Road to serve the four number dwellings. The area on site previously dedicated to the vehicular access road and car parking shall be redesigned to provide for communal open space to serve the four number dwellings (and shall be maintained in such use unless planning permission is granted for an alternative use at these on-site locations). Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, an amended site layout plan at a scale of not less than 1:200 setting out compliance with this condition. In addition, the applicant shall submit to, and agree in writing with, the planning authority, detailed design proposals for South Circular Road site boundary incorporating the requirements of this condition. Such shall also contain proposals, for the written agreement of the planning authority, proposed details for the future management and maintenance of the pedestrian and bicycle access.

**Reason:** Having regard to the city-centre site location, Policy SMT27 of the Dublin City Development Plan 2023-2029 and section 5.3.4 and SPPR 3 of the 'Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities' (2024), and also having regard to the impacts a vehicular entrance would have at this location on pedestrian and vehicular movements and safety, the Board considered

that a vehicular entrance and associated on-site car parking was unjustified and unwarranted.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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 developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

**Reason:** In the interest of public health.

5. Prior to the commencement of development, proposals for a naming and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of orderly development.

6. 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 with the proposed development.

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

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

8. Prior to commencement of development, drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Only clean uncontaminated storm water shall be discharged to the surface water outfall.

**Reason:** In the interest of public health.

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

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

11. Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

12. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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.



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**Joe Boland**

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

Dated this 17<sup>TH</sup> day of April 2024