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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4941/22**

**Appeal** by Ballyfermot STAR CLG of 7 Drumfinn Park, Ballyfermot, Dublin against the decision made on the 22<sup>nd</sup> day of November, 2022 by Dublin City Council to grant subject to conditions a permission to Orlaghcon Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of the following: (i) demolition of existing ancillary out buildings and laneway access to rear gardens of existing buildings on site, (ii) construction of three number two storey mews dwellings comprising kitchen/dining/living area, WC and car parking garage for one number vehicle in an undercroft parking area accessed via existing laneway at ground floor level, and two number ensuite bedrooms with balcony attached to northern bedroom at first floor level, (iii) provision of private open space (45 square metres) to rear of dwelling, (iv) construction of new boundary walls to separate mews dwellings from numbers 8 and 9 Drumfinn Park, and (v) all associated ancillary works necessary to

facilitate the development, all at rear of 8 and 9 Drumfinn Park, Ballyfermot, 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 infill site in an established suburban area, close to services, facilities and a main transport corridor, and to the nature of proposed use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would be acceptable in terms of and pedestrian and traffic safety, would not seriously injure the residential amenities of property in the vicinity or the amenities of the area and 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, 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 first-floor balconies on the northern elevation of each of the dwellings shall be omitted. 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 the residential amenities of properties on Rossmore Avenue and Drumfinn Road.

3. 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:
  - (a) the location of the site and materials compound including the area storage of construction refuse,
  - (b) details of site security fencing and hoardings, arrangements for pedestrians and vehicles in the case of the closure of the lane during the course of construction,
  - (c) details of the timing and routing of construction traffic,
  - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and
  - (e) appropriate measures for noise, dust and vibration, and monitoring of such levels.

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

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4. The following requirements shall be provided for and adhered to during construction:-

(a) site development and building works shall be carried out only between the hours 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, and

(b) management of noise during the construction stage shall be in compliance with the standards in, BS 5228: Noise Control on Construction and Open Sites – Part 1 'Code of Practice or basic information and procedures for noise control'.

**Reason:** In the interest of residential amenity and the amenities of the area.

5. The following requirements shall be provided for and adhered to in the development:-

(a) entrance gates, if any, to the under crofts/integrated garages for each dwelling shall be sliding or inward opening only, and

(b) refuse storage for each dwelling shall be provided for within the under-croft-integrated garage areas and not on the laneway (except on day of waste collection by service provider).

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

6. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, a comprehensive engineering services report for the proposed management of foul and surface water to include provision for management of the surface water in accordance with Sustainable Urban Drainage Systems (SuDS)

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

7. 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.

8. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

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

9. Details of all external finishes to 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.

10. Proposals for a name and house numbering scheme be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of urban legibility.

11. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

12. 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.

13. The developer shall pay to the planning authority a financial contribution in lieu of public open space 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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**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 11<sup>th</sup> day of January 2024.