



An
Bord
Pleanála

Board Order ABP-315426-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3815/22

Appeal by Mary and David Faughan of 29A Bayview Avenue, North Strand, Dublin against the decision made on the 7th day of December, 2022 by Dublin City Council to grant subject to conditions a permission to Maureen Grant care of Liam Cullen of 44 Ballinteer Crescent, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single storey commercial unit. Construction of a three-storey two-bedroom residential apartment (101.5 square metres) and car parking to front of building and associated site works, all at 74 Ballybough 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 nature, scale and design of the proposed development and its location and relationship to existing residential development in an established residential area, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity. The proposed development 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 10th day of November, 2022, except as may otherwise be required in order to comply with the following conditions. The proposed development shall include the use of opaque glass on the first floor rear elevation window. 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.

2. Details of the materials, colours and textures of all the 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.

3. 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.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

5. No car parking shall occur to the front of the proposed dwelling on the public footpath fronting Ballybough Road.

Reason: In the interest of orderly development.

6. Site development and building works shall be carried out only between the hours of 0700 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 subject to the prior written agreement of the planning authority.

Reason: In the interest of the residential amenities of surrounding properties and in the interest of clarity.



7. The developer shall submit to, and agree in writing with, the planning authority the numbering of the residential unit prior to the occupation of the development.

Reason: In the interest of orderly development.

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 intended construction practice for the proposed development, including management measures for noise, dust and dirt and traffic management proposals.

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



9. 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.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12th day of January 2024.