

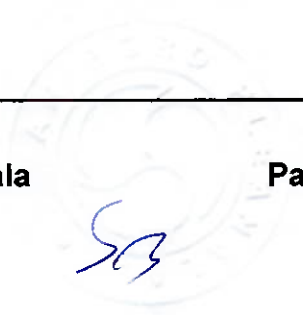
Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4375/22

Appeal by Tom Soye of 430 Clontarf Road, Dollymount, Dublin, and by Others against the decision made on the 13th day of December, 2022 by Dublin City Council to grant, subject to conditions, a permission to JM Dunluce Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to residential development previously approved under planning authority register reference 3740/20 and An Bord Pleanála reference number ABP-309448-21 comprising (i) the construction of three number three-storey four-bedroom flat roofed dwellings, with one number balcony at first floor level and two balconies at second floor level, to the rear of the approved apartment block; (ii) provision of six number car parking spaces (of the 37 number permitted under planning authority Register Reference 3740/20 and An Bord Pleanála reference number ABP-309448-21) to serve the three number dwellings; (iii) all ancillary works, including boundary treatment and SuDS, necessary to facilitate the development, at 257 to 259 Mount Prospect Avenue, Clontarf, 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 pattern of development in the area and its residential zoning under the Dublin City Development Plan 2022-2028, and to the standards for the development of infill houses on backland areas set out in section 15.13.3 and 15.13.4 of the development plan relating to infill development and backland housing respectively, it is considered that, subject to compliance with the conditions set out below, the proposed houses would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. For the above reasons, 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 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 22nd 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All conditions attached to the previously granted appeal case ABP-309448-21 shall be strictly adhered to, save as may be amended by other conditions attached hereto.

Reason: In the interest of clarity.

3. This grant of permission shall expire with that of the permission granted under appeal reference number ABP-309448-21.

Reason: In the interest of clarity.

4.
 - (a) The south-west facing window serving house number 1 kitchen/dining area shall be reduced to a high level ope 1.8 metres above finished floor level and shall be permanently fitted with opaque glazing.
 - (b) the 2nd floor side opes to kitchen/dining room in house number 2 and 3 shall be permanently fitted with opaque glazing.
 - (c) Any glazing to balconies shall have an opaque treatment.
 - (d) Timber fencing to the rear private terraces shall be finished in a dark stain and fronted with buffer planting.
 - (e) Car parking spaces number 27 and 28 on drawing number 2018-94-FI-100, submitted to the planning authority on 22nd day of November 2022, shall be permanently omitted. Cycle parking for a minimum of three number standard bicycles and three number non-standard bicycles in compliance with the provisions of the

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department for Housing, Local Government and Heritage, 2024, shall be provided at this location.

- (f) Full details of an appropriate enclosure of the bin store shall be submitted to the planning authority for agreement, prior to the commencement of development.

Reason: In the interests of residential amenity and to provide a satisfactory standard of development.

- 5. The mitigation measures and monitoring commitments identified in the Ecological Appraisal, Arboricultural Reports, Bat Fauna Assessment and all other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the submitted reports, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

- 6. 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.

7. Each dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper planning.

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

Reason: In the interests of visual and residential amenity.

9. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development.
- (a) The consultant shall visit the site on a monthly basis, minimum, to ensure the implementation of all of the recommendations in the tree reports and plans.
- (b) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey Report.
- (c) All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations.
- (d) The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August

inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

- (e) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

- 12. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The developer shall retain the services of a suitably qualified landscape architect throughout the duration of the site development works. The developer's landscape architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

Reason: In the interest of residential and visual amenity.

- 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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.

15. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space 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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 27th day of March 2024.