

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4772/22

APPEAL by Aine Dennehy and Conor Lyons of Apartment 2, 189a Botanic Road, Glasnevin, Dublin against the decision made on the 13th day of December, 2022 by Dublin City Council to grant subject to conditions a permission to Michael Hatton care of Darragh Lynch Architects of Estuary House, New Street, Malahide, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of change of use of the first floor of 183 Botanic Road from previous use as a residential apartment to use as an office, staff area and store for ancillary use by the veterinary clinic, retention of change of opening hours from previously permitted times of 9am to 9pm Monday to Friday and 9am to 1pm Saturday to additional days and times of 8am to 8pm Monday to Friday, 9am to 5pm Saturday and 9am to 4pm Sunday. Permission for the demolition of 64 square metres of existing buildings to the rear of 183 and side of 181, including demolition of 30 square metres of unauthorised development, demolition of rear chimney to 183, provision of new 214-square metre two-storey extension to existing veterinary clinic to consist of 111 square metres at ground floor and 103 square metres on first floor to the rear of 183 and side and rear of 181, provision of new pedestrian entrance between 181 and 183 Botanic Road, provision of new 1.8-metre boundary to the rear of 183 and all associated site works, all at 183 Botanic Road and 181 Botanic Road, Glasnevin, Dublin.

Decision

GRANT permission for the above 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 of the development proposed to be retained and proposed development, and the zoning of the site for neighbourhood facilities, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would be acceptable in terms of traffic safety and would not negatively impact on the residential amenities or on the architectural character of the area and would be in accordance with the provisions of the Dublin City Development Plan. The development proposed to be retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board disagreed with the Inspector and shared the opinion of the planning authority that the demolition of the chimney was acceptable in this instance, having regard to the position of the chimney to the rear of the property, the fact the adjoining property did not have a similar chimney, and the design of the proposed extension.



Conditions

1. The development shall be retained, 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 24th 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The veterinary facility shall not operate outside the period of 0800 to 2000 hours Mondays to Fridays, 0900 to 1700 hours on Saturdays, 0900 to 1600 hours on Sundays, and shall not operate on public holidays.

Reason: In the interest of residential amenity.



3. (a) During the construction and demolition phases, the development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.'
- (b) Noise levels from the development shall not be so loud, so continuous, so repeated, of such duration or pitch, or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

4. The grassed area to the rear of the site, as shown on drawing reference number 2193-DLA-XX-GF-DR-A-003 Rev A, shall be used by veterinary staff as an amenity space and shall not be used for animals visiting the veterinary clinic.

Reason: For the avoidance of doubt, and to protect the amenity of adjoining properties.

5. The proposed pedestrian entrance to the side of 183 Botanic Road shall not have outward opening gates.

Reason: In the interest of pedestrian safety.



6. Prior to commencement of development, plans and particulars shall be submitted to, and agreed in writing with, the planning authority showing the provision of two number dedicated sheltered cycle parking spaces onsite.

Reason: In the interest of sustainable transport.

7. 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 interest of public safety and residential amenity.

8. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA'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 the 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.

Reason: In the interest of sustainable waste management.



9. 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.

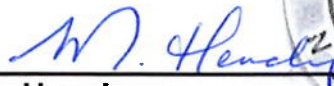
10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



11. 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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *20* day of *February* 2024.