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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4532/22**

**Appeal** by Haddon Road Residents' Association care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 27<sup>th</sup> day of January, 2023 by Dublin City Council to grant subject to conditions a permission to Osdale Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission is sought for the change of use for the existing building on site from a care home for the elderly/nursing home to residential. Works to facilitate the change of use will comprise of the: (a) demolition of parts of the existing building including the removal of: internal walls, external doors and windows, (b) internal alterations to the existing building to provide for eight number residential apartments (four number one bed units and four number two bed units); (c) reconstruction of parts of the external walls, (d) provision of private amenity spaces in terrace form; (e) installation of roof lights, and (f) four number car parking spaces (including one number universally accessible space), 18 number bicycle parking spaces,

secure bin storage and all associated landscaping, site development and infrastructural works; all at 30 Haddon 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 Z1 zoning designation for the area in which the site is located as set out in the Dublin City Development Plan 2022-2028, the location of the proposed development within an inner suburban area, the planning history of the site, the nature of the development and the overall context in an area with good quality public transport and walking and cycling links to Dublin City Centre, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of design, quantum and transport, would provide an acceptable standard of accommodation and amenity for future occupiers, would not seriously injure the amenities of adjoining properties or the Architectural Conservation Area, and would otherwise 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 as amended by the further plans and particulars submitted to the planning authority on the

22<sup>nd</sup> day of December 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. Prior to the commencement of development, amended details shall be submitted to, and agreed in writing with, the planning authority in order to ameliorate the impact of the laneway to the north of apartment numbers 1-4 on the residential amenity of future occupants of these units. Such revised details shall include opaque glazing to both the stores and bathrooms as set out on drawing number 33313-PL-003-RFI as well as additional screen planting.

**Reason:** In the interest of the residential amenity of future occupants.

3. Details of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This shall include any works to existing external features, including sash windows and rooflights.

**Reason:** In the interest of the visual amenities of the area.

4. The management and maintenance of the apartment buildings, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development including the external fabric of the

buildings, internal common areas, landscaping, bike parking, lighting, waste storage facilities and sanitary services shall be submitted to, and agreed in writing with, the planning authority before the apartments are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this private development in the interest of residential and visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

6. Proposals for a development name and numbering scheme for the apartments shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

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

7. 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, with details submitted and approved in writing prior to commencement of development.

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

8. Two number spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transport.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. The developer shall pay to the planning authority a financial contribution in lieu of the on-site shortfall in the public open space provision 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.

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.

12. 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.



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**Joe Boland**

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

Dated this *12<sup>TH</sup>* day of *April* 2024.