

An  
Bord  
Pleanála

Board Order  
ABP-316140-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3057/23**

**Appeal** by Aisling Behan of 45 Annadale Drive, Drumcondra, Dublin against the decision made on the 14<sup>th</sup> day of March, 2023 by Dublin City Council to refuse permission.

**Proposed Development:** New vehicular entrance to off-street car parking to front garden and all associated site works at 45 Annadale Drive, Drumcondra, 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 reason for refusal set out in the planning authority's decision, the grounds of appeal, and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, can be carried out without undue risk to the proximate street tree, and that the proposed development would not seriously injure the residential amenity of neighbouring properties. The proposed development would, therefore, be compatible 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 received by An Bord Pleanála on the 24<sup>th</sup> day of March, 2023, 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.

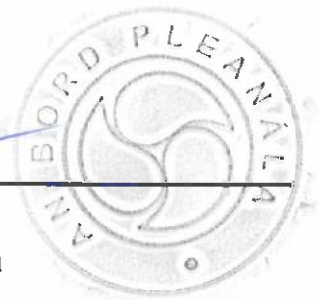
2. Detailed plans including measures to provide for the preservation and protection of the mature street tree, and the repositioning of the public lighting pole, including costs therefore, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To preserve and protect the mature street tree located in front of number 47 Annadale Drive within the grass verge between the footpath and the carriageway in the interest of conservation and visual amenity, and in the interest of public safety.

3. 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 the 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 the Board 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 21<sup>st</sup> day of July 2023.