

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1657/22

Appeal by the Dunard Estate Residents Association and Others care of Pat Hughes of Dunard Road, Blackhorse Avenue, Dublin against the decision made on the 31st day of March, 2023 by Dublin City Council to grant subject to conditions a permission to John and Brenda Carney care of Tom Byrne Designs of 2nd Floor, 12-15 Killekland Street, Ashbourne Town Centre, Ashbourne, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demotion of existing single storey side extension, (b) construction of one number two-storey mid-terrace dwellinghouse and one number two-storey end of terrace dwellinghouse complete with front and rear gardens, (c) modification to existing vehicular entrance and driveway from Dunard Drive to provide off-street parking for the existing and proposed dwellings. and (d) all associated site works at 51 Dunard Drive, Cabra West, 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 zoning objective for the area as set out in the Dublin City Development Plan 2022-2028, the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the accompanying best practice Urban Design Manual, the location of the appeal site, the established pattern of residential development in the area and the overall design and scale of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with existing development in the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th 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. 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. Details of the boundary wall to the front, side and rear shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



4. The proposed development shall be amended as follows:
- (a) The one number car parking space proposed for House B shall be omitted and a dividing wall constructed between the front gardens of House A and House B. The proposed shared vehicular access to the two new dwellings shall be amended accordingly to facilitate one number car parking space and vehicular access to House A only. For clarity, there shall be a total of two parking spaces only, that is, one for number 51 Dunard Drive and one for House A.
 - (b) A pedestrian entrance gate, with inward opening gates, shall be provided along the front boundary wall of House B.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic and pedestrian safety and to protect residential amenity

5. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:
- (a) Driveway entrances shall both be a maximum of three metres in width and shall not have outward opening gates.
 - (b) Footpath and kerb shall be dished and new entrances provided to the requirements of the Area Engineer, Roads Maintenance Division.



- (c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure a satisfactory standard of development.

- 6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 7. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.



- 8. 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.



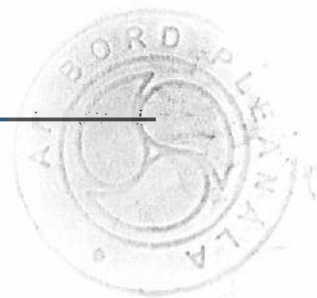
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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



Dated this 28th day of August 2023.