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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3788/22**

**Appeal** by Tanya Waters of 77A Rathgar Road, Dublin against the decision made on the 28<sup>th</sup> day of April, 2023 by Dublin City Council to grant subject to conditions a permission to Michael O'Brien care of Feargall Kenny of 45 Hainault Drive, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The demolition of an existing garage and construction of one number three bedroom, two-storey mews style house, a parking garage with access off Winton Avenue all to the rear of 77A-78 Rathgar Road, Rathgar, Dublin as previously approved (Reference: 5920/04). The further public notices were received by the planning authority on the 4<sup>th</sup> day of April, 2023.

**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 of the area, the design, layout and scale of the proposed mews development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity for future occupants. 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 plans and particulars received on the 14<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

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2. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

3. 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.

4. Drainage arrangements, including the termination and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and surface water management.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

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

6. 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 intended construction practice for the proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.

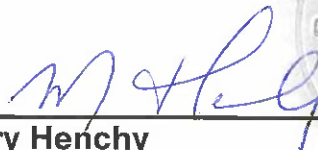
**Reason:** In the interests of public safety and residential amenity.

7. A Conservation Method Statement including a detailed programme of conservation works to be carried out, shall be prepared by a conservation expert who will supervise the works, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure the protection of the historic boundary walls and that the proposed works are carried out in accordance with best conservation practices.

8. 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.



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**Mary Henchy**

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

Dated this *25<sup>th</sup>* day of *September* 2023.