



An
Bord
Pleanála

Board Order
ABP-317485-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3649/23

Appeal by Vincent Ryan of 84 Sandymount Avenue, Sandymount, Dublin and by Jeremy and Miranda Humphries of 82 Sandymount Avenue, Dublin and by Klairon Construction Limited care of Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 21st day of June, 2023 by Dublin City Council to grant subject to conditions a permission to Klairon Construction Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development consists of the following:

provision of a two-storey resident's communal amenity pavilion building with a total gross floor area (GFA) of circa 189 square metres to serve the residential development permitted under planning register reference number 2800/20, An Bord Pleanála reference number ABP-309742-21 (and proposed to be extended and altered by permission granted under planning register reference number 3420/22, ABP- 314220-22 which is currently under consideration).

PV panels are proposed at roof level;

the addition of a switchroom with a gross floor area of 4.3 square metres, recladding of the facades and provision of a cantilevered roof, all to the ESB substation;

the addition of a switchroom with a gross floor area of 4.3 square metres, recladding of the facades and provision of a cantilevered roof, all to the ESB substation;

provision of one number disabled car parking space;

proposed landscaped areas with tie-ins to the permitted residential development;

new boundary treatment and alterations to the curtilage of number 80 Sandymount Avenue and all associated development;

all at site at Sandymount Avenue, Sandymount, Dublin. The site includes part of the side garden and part of the rear garden of 80 Sandymount Avenue, and the adjacent ESB substation. The application site is bound by number 80 Sandymount Avenue to the east and Sandymount Avenue to the south.

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 condition(s) set out below.

Reasons and Considerations

Having regard to the zoning objectives applying to the site in the Dublin City Development Plan 2022–2028, the pattern of existing and approved development in the area and the layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable height and design for the site, would not seriously injure the amenities of adjoining properties, would not seriously injure the visual amenities, built heritage or character of the area and would be acceptable in terms of traffic and road safety. 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, 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. The proposed development shall be amended as follows:
 - (a) the proposed accessible car parking space and associated vehicular access on Sandymount Avenue shall be omitted and a revised landscaping scheme shall be implemented. The landscaping scheme shall consist of a low boundary wall and shall facilitate pedestrian access to the development instead of the proposed accessible car parking space,
 - (b) the communal amenity pavilion building shall be setback on the eastern facade and reduced in size in order to provide a minimum separation distance of 2.8 metres from the side elevation of number 80 Sandymount Avenue, and
 - (c) the first floor window on the communal amenity pavilion building's northern façade, serving the stairwell, shall be extended vertically to ground floor level.

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 pedestrian safety and residential amenity.

3. The use of the communal amenity pavilion building shall be limited to the residents of the development approved under planning register reference number 2800/20, An Bord Pleanála reference number ABP-309742-21 and planning register reference number 3420/22, ABP-314220-22.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Drainage arrangements, including the 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. The management and maintenance of the proposed communal amenity pavilion building following its completion shall be the responsibility of a legally constituted management company. A management scheme for the same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

11. 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 the proposed basement, inclusive of noise management measures and off-site disposal of construction/demolition waste.

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

12. 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.

Eamonn James Kelly

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Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *24th* day of *May*, 2024.