

An
Bord
Pleanála

Board Order
ABP-317631-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0373

Appeal by Collette Cregg care of Liam Madden of Vitruvius Hibernicus, Convent Road, Longford, against the decision made on the 31st day of May, 2023 by South Dublin County Council to grant, subject to conditions, a permission to Patricia Carmody care of Sam Le Bas of 149 Foxrock Park, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing former two-storey steelworks factory (465 square metres) and build on resultant cleared site of circa 0.133 hectares; Construction of three flat roof, terraced, three-storey, three bedroom houses (160 square metres each, 480 square metres total) with external terraces at first and second floor levels and all associated site development works above and below ground, all at the former steelworks factory, Manor Avenue, Terenure, 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 location of the site, to the established building form and use on site, to the pattern of development in the area, to the nature, scale and form of the proposed development and to the relevant provisions of the South Dublin Development Plan 2022-2028 including the zoning of the site for residential use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of residential property in the vicinity, would constitute an acceptable scale and design of new built, would be acceptable in terms of pedestrian and traffic safety and 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 4th day of May 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. The screening to the second-floor terraces shall be modified as follows:
- (i) The height of the screening shall be 1.85 metres.
 - (ii) The screening shall be of solid construction and shall consist of vertical timber fins or boards installed in such a manner to eliminate any gaps.
 - (iii) The gable wall on the west elevation of Unit 1 shall be increased in height to 1.85 metres over terrace level.

Plans and particulars detailing the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The proposed entrance gates to the development shall be omitted.

Reason: To protect the amenities of the area.

4. The existing historic stone wall which forms the boundary to the south and west of the proposed development shall be retained. Details regarding this retention shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.



5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations, and any statutory provision replacing or amending them, shall take place within the curtilage of the three number permitted dwellings without a prior grant of planning permission.

Reason: To ensure the retention of a reasonable amount of rear garden space for the benefit of the occupants of the dwellings and to protect the residential amenities of the area.

6. The proposed landscaping scheme shown on the plans and particulars submitted with the application and submitted as additional information received on the 4th of May 2023 shall be implemented in full, within the first planting season following substantial completion of external construction works. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted. The three large trees shown alongside the boundary of no. 3 Manor Avenue shall be omitted from the development.

Reason: In the interest of visual and residential amenities.

7. 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 practices for the development, including noise management measures and details of all necessary measures to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads.

Reason: In the interest of public safety residential amenity.

8. Drainage arrangements, including attenuation and 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.

9. 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.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and off-site disposal of construction/demolition waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.



11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 on Mondays to Fridays inclusive, between the hours of 0800 to 1400 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.

13. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

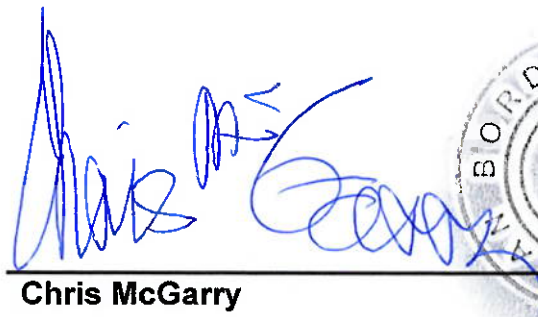
Reason: In the interest of urban legibility.

14. 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.

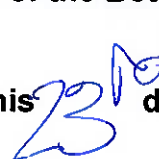
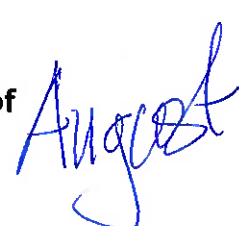
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Chris McGarry

Member of An Bord Pleanála

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

Dated this  day of  2024.