



An
Bord
Pleanála

Board Order ABP-318051-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: Web1553/23

Appeal by Nicole and Cian Hughes care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin against the decision made on the 25th day of August, 2023 by Dublin City Council to refuse permission.

Proposed Development: Retention planning permission for the vehicular access to the front of 2 Lansdowne Gardens, Shelbourne Road, Ballsbridge, Dublin on the corner of Crampton Avenue and Shelbourne Road. This access was temporarily created in October 2022 for machinery and equipment access during exempted renovation works, and if retention planning permission is granted will provide off-street parking for two vehicles.

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 provisions of the Dublin City Development Plan 2022-2028, including the 'Z1' zoning objective (to protect, provide and improve residential amenities for the area), and to Policy QHSN25 (Housing for People with Disabilities), Section 8.5.7 (Road and Bridge Improvements) and Appendix 5 (vehicular access and egress arrangements) of the development plan, it is considered that, subject to compliance with the conditions set out below, the approval of retention permission is warranted. It is considered that, having regard to the low number of turning movements envisaged, the low traffic speeds in the area, the nature of the adjacent junction and access arrangements, and the pattern of development in the area, that retention of the vehicular access would not give rise to undue traffic hazard or safety concern for road users, or set an undesirable precedent. The retention of the development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the appeal on the 14th day of September 2023, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, this permission does not approve any other development, the nature and extent of which has not been stated in the statutory public notices.

Reason: In the interest of clarity.

2. The development shall be amended, and thereafter maintained, as follows:
- (a) The vehicular access from Shelbourne Road shall be reduced in width to no more than three metres and aligned with the existing dropped kerb.
 - (b) The plinth and railing shall be reinstated to match the existing plinth and railing along the front boundary with Shelbourne Road;
 - (c) No gates shall be erected at the vehicular access from Shelbourne Road;

Reason: In the interest of clarity and sustainable development.

3. The parking area serving the development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works. Details of appropriate sustainable urban drainage measures for the parking area, which enable universal access, including revised drawings, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. The cost of any related works in this regard shall be borne by the Applicant.

Reason: In the interest of sustainable drainage and road safety.

4. 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.

A handwritten signature in blue ink is written over a circular stamp. The stamp contains the text "AN BORD PLEANÁLA" around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature and the stamp.

Mick Long

Member of An Bord Pleanála

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

Dated this 6th day of August 2024