

An  
Bord  
Pleanála

## Board Order ABP-318056-23

### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** 3390/23

**Appeal** by Michael Ivers of 3 Casement Green, Finglas West, Dublin against the decision made on the 29<sup>th</sup> day of August, 2023 by Dublin City Council to grant subject to conditions a permission to James Bligh care of H2B Architects of 20 Moyview, Kildalkey, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Relocation of front door from side elevation to front elevation of existing house, also single storey porch to front of house, permission for attached two-storey two-bedroom house to front and side of existing house, also permission for retention of vehicular entrance to the original house and all associated site works, all at 1 Casement Green, Finglas, Dublin.

### Decision

**GRANT** permission for the above 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 nature of the proposed development and development proposed to be retained, the design and layout of the existing and proposed access to the site, the zoning of the site for residential development, the design and layout and the landscaping of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be acceptable and in accordance with the provisions of the Dublin City Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines, and the Quality Housing for Sustainable Communities Guidelines. The proposed development and development proposed to be retained would not negatively impact on residential amenity or give rise to negative impacts on drainage or traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2<sup>nd</sup> day of August, 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 retained, 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 bathroom window on the rear elevation shall be glazed with obscure glass.
- (b) The originally proposed window to the south gable of the proposed dwelling serving the proposed bedroom shall be implemented, instead of a high-level window as proposed in the response to the request for further information received by the planning authority on the 2<sup>nd</sup> day of August, 2023.

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 interest of visual and residential amenity.

3. The rear garden party boundary (shown on site plan 2018-LS) between the existing house and the proposed house shall be 1.8 metres in height and similar in finish to the fence shown on drawing reference number 2018-LS dated the 20<sup>th</sup> of July, 2023. The front boundary (shown on site plan 2018-LS) separating the front garden areas of the existing dwelling and the proposed dwelling shall be no greater than 1.2 metres in height; this shall be a capped and plastered wall.

**Reason:** In the interest of clarity.

4. 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.

5. The proposed dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** In the interest of orderly development.

6. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to commencement of development.

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

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

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

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

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

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.


**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential developments.

12. 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 and off-site disposal of construction/demolition waste.

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

13. 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 24<sup>th</sup> day of May 2024.