



An
Bord
Pleanála

Board Order ABP-318353-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5123/22

Appeal by Michael McMahon of 47 Rathgar Avenue, Rathgar, Dublin against the decision made on the 5th day of October, 2023 by Dublin City Council to grant subject to conditions a permission to Forthbridge Limited care of Edward Fitzgerald Selby of 122 Butterfield Avenue, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for retention of the following works to the two-storey building at the rear: (1) Lowering of the cill height of four number rear-facing windows into French Windows; (2) A four square metre extension to the north-east elevation; (3) The extension of the side wall 1.4 metres to the south-west elevation; (4) The removal of the timber fascia and construction of a parapet wall and capping 250 millimetres above existing fascia; (5) Demolition of the 8.5 square metre single-storey rear extension and 6.1 square metre outbuilding and replacement with 12.5 square metre single-storey rear extension. Planning permission for the following works; three number roof dormers to the front, a one-metre high 6.5 square metre water tank enclosure on the rear flat roof at 261 Harolds Cross Road, 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 planning history of the site, the character of the local area, the nature, scale and extent of the development proposed for retention and permission, to the established built form at the subject site, and to the relevant provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and permission, would not seriously injure the visual or residential amenities of the area, or the amenities of property in the vicinity, would provide an acceptable standard of accommodation for future residents, would not, by reason of overlooking, lead to loss of privacy or amenity in neighbouring properties, and would be acceptable and in accordance with the provisions of the Dublin City Development Plan 2022-2028. The development proposed for retention and permission 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 further information received by the planning authority on the 14th day of September 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 developer shall undertake the following amendments, the details of which shall be submitted to and agreed in writing with the planning authority:-
 - (a) A covered lockable bike store shall be provided at the rear of the site for a minimum of six bikes.
 - (b) A covered bin store shall be provided at the rear of the site.
 - (c) The window at first floor level on the south-west gable (in unit six) shall be a high level window.
 - (d) The flat roof to rear of unit five shall not be used for sitting out or as a terrace. A guard rail shall be provided to the French window in unit five to prevent it serving as an access to the roof.
 - (e) The three front dormer windows shall be set above the existing eaves level of the roof.

- (f) External wall-mounted lighting to the rear and side of the building shall be replaced by low-level mounted lights (less than 50 centimetres from ground level).
- (g) Four small ornamental trees (Malus, Prunus or similar), staked and with tree guards, shall be planted in the green space to the rear.

Reason: In the interest of residential amenity.

- 3. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

- 4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

- 5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

6. 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.


Stephen Bohan

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

Dated this 17th day of

2024