



An
Bord
Pleanála

Board Order
ABP-318524-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3015/23

Appeal by Cian McEneaney and Ella Brazil care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 27th day of October, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: (i) The construction of a new two-storey with attic level accommodation, four bedroom detached dwelling to the rear of the site, including rooflights; (ii) provision of two number on site car parking spaces to serve the proposed dwelling; (iii) provision of two number on site car parking spaces to serve existing dwelling at 27 Victoria Road, to be located to the front of the dwelling; (iv) new access road to the side of the existing dwelling at 27 Victoria Road to serve the new proposed dwelling (no amendments to the existing vehicular access off Victoria Road are proposed; (v) also included as part of the development are; private amenity space, all associated landscaping, boundary treatments, and all associated ancillary works necessary to facilitate the development at number 27 Victoria Road, Clontarf, Dublin.

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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 residential zoning objective for the area, the accessible location of the development site, the relevant provisions of the Dublin City Development Plan 2022-2028, including those related to infill development and, the guidance provided by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024, to the pattern of development in the area and to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a level of residential amenity on site, would not seriously injure the residential amenities of the area, would be acceptable in terms of overlooking and would constitute an appropriate form of development at this location. 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, as amended by the further plans and particulars received by the planning authority on the 28th day of July, 2023 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of November, 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. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, revised drawings providing for the following modifications:
 - (a) The first-floor master bedroom en-suite window opening in the south elevation shall have opaque glazing to match the glazing of the east elevation first-floor window openings;
 - (b) The proposed new boundary between number 27 Victoria Road and the infill house shall be planted with appropriate screening to match the proposed tall evergreen pleached trees to be located along the northern boundary of the site. Final details of the landscaping treatment to the northern and southern boundary of the proposed dwelling site, shall be submitted to and agreed in writing with, the planning authority, prior to commencement of development.

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. Details of the external finishes of 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.

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

Reason: In the interests of visual and residential amenity.

7. 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.

8. 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 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.



Chris McGarry

Member of An Bord Pleanála

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

Dated this

25th day of **June**

2024