

An
Bord
Pleanála

Board Order
ABP-318615-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4093/23

Appeal by John Sweetman and Saroj Sweetman care of Hendrick W. van der Kamp of 1 Woodstown Court, Knocklyon, Dublin against the decision made on the 9th day of November, 2023 by Dublin City Council to grant subject to conditions a permission to Ciaran and Ann Fahy care of Goodwin and Lee Architects of 34 Hillcourt Road, Glenageary, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing garage to the side of the existing house, construction of a detached, single storey, three bedroom dwelling (total floor area approximately 174 square metres) to the rear of the existing dwelling accessed via the widened vehicular entrance gateway on Eglinton Road, new driveway, one new car parking space and all associated landscaping, site and drainage works at 66 Eglinton Road, Donnybrook, 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 Z2 zoning objective for the site in the Dublin City Development Plan 2022-2028, section 15.3.4 which supports development of backland sites in order to make sustainable and efficient use of serviced sites, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development which is supported by policies and objectives in the Development Plan, would provide a good standard of residential amenity to future occupants, would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board shared the view of the planning authority, that by virtue of the single storey nature of the proposed dwelling, provision of obscured glazing on the eastern façade, separation distance from the host dwelling and 19 Eglington Wood, that issues of overlooking and overshadowing would not arise and therefore the residential amenity of adjacent dwellings would not be negatively impacted by the proposed development. Having regard to the Inspectors comments in paragraph 7.14 of his report, where he raises concerns regarding the level of overlooking from the first-floor rear windows of 19 Eglington Wood, the Board concurred with the planning authority that a certain level of overlooking is to be expected for residential developments in an urban context and noting the separation distance involved, considered the residential amenity of future occupants would not be negatively impacted by the proposed development. Having regard to the photomontages submitted at further information stage to the planning authority, the Board was satisfied that the proposed development would not be visible from Eglington Road. Noting the planning authority were also satisfied, the Board considered that the proposed development would not negatively impact upon the character of the conservation 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 13th day of October, 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. 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.

3. 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 public safety and residential amenity.

4. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.



5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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. Vehicular entrance and access arrangements shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.

Reason: In the interests of residential amenity and traffic safety.

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.

Reason: In the interest of public health.

8. Prior to the commencement of development, the developer shall enter into water supply and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

9. Proposals for a name and numbering scheme for 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 urban legibility.

10. 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.

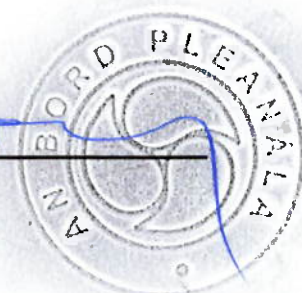
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this 10th day of July 2024