

An
Bord
Pleanála

Board Order
ABP-318826-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4282/23

Appeal by Nollaig Mac Cárthaigh and Others of 15 Brookwood Heights, Artane, Dublin against the decision made on the 7th day of December, 2023 by Dublin City Council to grant subject to conditions a permission to Dong Lin care of Tom Good of 387 Navan Road, Ashtown, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to (a) covert existing sheds/out buildings to granny flat, works to include a flat roof extension to link existing dwelling to proposed granny flat, (b) retention permission for 2.5 square metres flat roof building (in use as a bathroom), all to rear of dwelling, and (c) permission to widen the existing pedestrian entrance to create a vehicular access/driveway and all associated site works at 17 Brookwood Heights, Artane, 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 pattern and character of existing development in the area, the design and scale of the proposed development and development proposed to be retained, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, and would not seriously injure the residential amenity of surrounding properties and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development and development proposed to be retained 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 10th 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The granny flat accommodation shall not be separated from the main house. It shall not be sold or let independently of the main house and, when no longer required for use as a granny flat, use of that part shall revert to use as part of the main house.

Reason: In the interest of residential amenity.

3. The three existing doors along the eastern elevation of the outbuildings shall be replaced by windows. The details of same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development and development proposed to be retained 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 development shall adhere to the following:
 - (a) Prior to the commencement of development, revised drawings shall be submitted to and agreed in writing with the planning authority indicating the provision of a 2.8 metre wide pedestrian/vehicular entrance as agreed with the planning authority's, Parks, Biodiversity and Landscape Services Department on the 6th day of November, 2023.
 - (b) No gates shall open across the public footpath.
 - (c) Footpath and kerb to be dished and new entrance provided to the requirements of the planning authority, without impact on the existing street tree, unless otherwise agreed with the planning authority. A financial contribution to compensate for any damage to or loss of the street tree shall be determined by and payable to the planning authority if required.
 - (d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: To ensure that the street tree is not damaged or otherwise adversely affected by building operations.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. 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 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. Water supply and drainage arrangements, including the 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.

9. 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 ¹⁸10 day of 

2024