

An
Bord
Pleanála

Board Order ABP-319172-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4948/23

Appeal by Wayne Michael O'Leary Sheridan care of Raymond McGinley Architects of 43 Sycamore Avenue, Castleknock, Dublin against the decision made on the 9th day of February, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of the existing garden shed and the construction of a three-storey mews house in the rear garden of the corner site. The proposed house will be accessed from Jones Road and will have a roof garden accommodating screened private open space. Proposed works include all associated site works, including partial reconstruction of the boundary wall facing Jones Road and the insertion of an additional access gate in this wall at number 173 Clonliffe Road and 2A Jones 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 grounds of appeal, the reason for refusal, the residential conservation zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed infill two bedroom house, as revised on appeal (Drawing Number 2306M.ABP.01), would not have a significant adverse impact on adjoining residential properties, including the main dwelling house at number 173 Clonliffe Road, would be consistent with the urban consolidation policies and objectives of the development plan, including Section 15.5.2 infill development criteria and Policy BHA9 guidance on new development within conservation areas of the Dublin City Development Plan 2022-2028, would be consistent with the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities (15 January, 2024). 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 An Bord Pleanála on the 28th day of February 2024, 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 commencement of development the developer is requested to submit for the written agreement of the planning authority revised drawings providing for the following modifications:
 - (a) The roof terrace (north elevation) shall be screened in order to restrict the line of vision from the roof terrace onto the residual rear garden of number 173 Clonliffe Road.
 - (b) Design details of the screening to the roof level terrace, including materials and finishes.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, 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. 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.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of public open space 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.



Stephen Bohan

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

Dated this 25th day of October 2024