

An
Bord
Pleanála

Board Order
ABP-319521-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1095/24.

Appeal by William Doyle care of WeDesignStuff Limited of 1 Rathborne Drive, Dublin against the decision made on the 21st day of March 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The demolition of existing garage building, construction of one number infill mews house and associated site works. The proposed dwelling will be a two-storey, 47.6 square metres mews house with a first floor Juliette balcony facing Rathgar Avenue, an external terrace at ground floor behind retained stone wall, new gate, new boundary treatment to the south, two number secure and covered bike parking spaces and associated refuse storage to the rear of 4 Waverley Terrace, bounded by numbers 3 and 4 Waverley Terrace to the north, 5 Waverley Terrace to the east, 54a Rathgar Avenue to the south and Rathgar Avenue to the west, 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 zoning objective, which seeks to protect and/or improve the amenities of residential conservation areas, 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 development would provide a reasonable level of residential accommodation on site, would not have a significant adverse impact on the residential amenities of adjoining properties, including Numbers 4 and 5 Waverly Terrace, would be consistent with Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028, and would in general be consistent with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024). 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 noted the proposed development would not result in any overlooking of adjacent properties or any loss of privacy, that the proposal would not result in an unacceptable diminution of daylight or sunlight for residents of adjacent properties in the context the existing urban environment, and that the proposal would result in the redevelopment of a vacant property in this established residential neighbourhood.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is retained for the benefit of the occupants of the dwelling and in the interest of preserving the existing residential amenities of the area.



3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

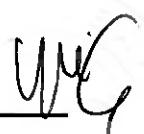
4. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for parking during the construction phase, the storage of plant and machinery, waste separation, storage and disposal, and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

5. (a) Details of the external finishes of the proposed development, including the roadside boundary wall and gate, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The proposed standing seam metal roof/wall cladding on the front elevation shall not extend below the top of the safety glazing to the proposed "Juliette Balcony", with the front façade below that level rendered to match the gables of the proposed dwelling.

Reason: In the interest of visual amenity.



6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Proposals for naming/numbering of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and the proper planning and sustainable development of the area.



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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.



Liam McGree

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

Dated this 18 day of DECEMBER 2024.