

An
Bord
Pleanála

Board Order ABP-319689-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1173/24

Appeal by Avril Bates and David Leech of 8 Saint John's Road, Sandymount, Dublin against the decision made on the 12th day of April, 2024 by Dublin City Council in relation to an application for permission for development comprising the remodelling of the front railings to allow for vehicular entrance and off-street parking space for two vehicles to the front garden with associated landscape works, the demolition and removal of a non-original conservatory and garden shed and construction of a partially sunken one-storey store and office studio to the rear garden with associated landscape works, minor alterations to the existing built fabric to back of house, including replacement of roof to the lower utility room, the addition of high performance insulation and new windows to rear return and new garden doors to lower ground floor at 8 Saint John's Road, Sandymount, Dublin in accordance with plans and particulars lodged with the said Council (which decision was to grant permission for the demolition and removal of a non-original conservatory and garden shed and construction of a partially sunken one storey store and office studio to the rear garden with associated landscape works, minor alterations to the existing built fabric to back of house, including replacement of roof to the lower utility room, the addition of high performance insulation and new windows to rear return and new garden doors to lower ground floor and to refuse permission for the remodelling of the front railings to allow for vehicular entrance and off-street parking space for two vehicles to the front garden with associated landscape works).

Decision

GRANT permission for the demolition and removal of a non-original conservatory and garden shed and construction of a partially sunken one-storey store and office studio to the rear garden with associated landscape works, minor alterations to the existing built fabric to back of house, including replacement of roof to the lower utility room, the addition of high performance insulation and new windows to rear return and new garden doors to lower ground floor in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the remodelling of the front railings to allow for vehicular entrance and off-street parking space for two vehicles to the front garden with associated landscape works for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and scale of the proposed development, the existing dwelling, and the policies of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 and to ensure a proper standard of development.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

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5. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and in the interest of clarity.

7. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass shall not be permitted.

Reason: In the interest of residential amenity.

Reasons and Considerations (2)

The proposed vehicular entrance would result in the remodelling of the front railings and the removal of an on-street parking space to allow for a vehicular entrance and off-street parking for two vehicles in the front garden with associated landscaping works. Having regard to Policy SMT25 (On-Street Parking) and the requirements of Volume 2 Appendix 5, Section 4.1 (On Street Parking) and Volume 2 Appendix 5, Section 4.3 (Parking in Front Gardens) of the Dublin City Development Plan 2022-2028, it is considered that the proposed development would be contrary to the stated policy and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed vehicular entrance, the Board noted Policy SMT25 (On-Street Parking) and the presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in the Dublin City Development Plan 2022-2028. Furthermore, and notwithstanding that existing dwellings on the same side of the road have on-site parking, there is no on-site parking for residents on the opposite side of St. John's Road and the reduced supply of on-street parking would detract from the convenience of local residents and the residential amenity of surrounding properties and would set an undesirable precedent for other similar developments on St. John's Road and adjacent roads.

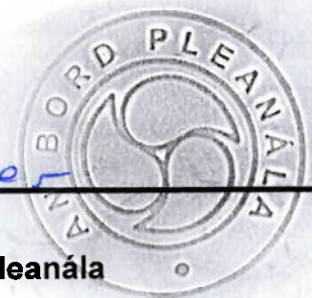


Marie O'Connor

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 21 day of October 2024.