

An
Coimisiún
Pleanála

Commission Order
ABP-320052-24

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1195/24

Appeal by Eamonn and Tanya McDonald care of Ian Doyle Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 4th day of June 2024 by Dublin City Council to grant, subject to conditions, a permission to Brendan Grehan care of Duignan Dooley of 62 Brighton Square, Rathgar, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of the existing two-storey house and garage and the construction of a two-storey semi-detached dwelling (195 square metres) and single storey garage (58 square metres). The house will comprise of two bedrooms, study, living area and viewing terraces at first floor level, an external stair to first floor level, boundary wall treatments and all associated site works including pedestrian and vehicular access, at The Hermitage, 22 Strand Road, Dublin 4.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the location of the subject site within an urban area, the provisions of the Dublin City Development Plan 2022-2028 (as varied), to the existing form of development on the site; the nature, scale and form of the proposed development, and pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in principle, would not be unduly visually obtrusive on the street or in its surroundings, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of demolition, flood risk, traffic safety and convenience, impacts on European sites, would not negatively impact on the area and would constitute an appropriate use in this urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that South Dublin Bay Special Area of Conservation (Site Code 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the

Conservation Objectives for these sites, and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 8th day of May 2023 and as amended by the further plans particulars received by An Bord Pleanála on the 29th day of July 2024 and 12th May 2025, 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. The proposed development shall be amended as follows:
 - (a) A 1.6-metre-high opaque glazed privacy screen shall be placed at the northern edge of the rear outdoor terrace/balcony area as per the position shown in drawing 'Proposed Privacy Screen 2' drawing number '23-016-ABP-3.001' submitted to An Bord Pleanála on the 29th day of July 2024.
 - (b) The 1.6-metre-high opaque privacy screen shown for the front terrace in drawing 'Proposed Privacy Screen 1' drawing number '23-016-ABP-3.000', submitted to An Bord Pleanála on the 29th day of July 2024, shall be replaced with a 1.6-metre-high glass balustrade.

Reason: In the interests of residential and visual amenity.

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3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

4. (a) All flood mitigation measures stated/proposed in the Site-Specific Flood Risk Assessment submitted with the application on the 23rd day of February 2024 shall be implemented in full.
- (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.
- (c) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and surface water management.

5. (a) The vehicular entrance to the garage shall be a maximum of three metres wide and shall not have outward opening gates.
- (b) The garage doors and adjacent side doors shown on drawing 'Proposed East and West Elevations' drawing number 23-016-ABP-2.004 and drawing 'Proposed Ground Floor Plan' drawing number 23-016-ABP-2.00 submitted to An Bord Pleanála on the 29th day of July 2024 shall be separated by permanent concrete or brick pillars such that the vehicular entrance cannot be widened temporarily or permanently to a width greater than three metres when these doors are opened.

Reason: In the interest of sustainable transport and safety.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 hours 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

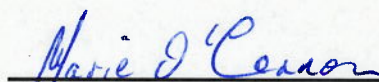
Reason: To safeguard the amenity of property in the vicinity.

7. The construction of the development shall be managed in accordance with the Construction Environment Management Plan submitted to An Bord Pleanála on the 12th day of May 2025.

Reason: In the interest of amenities, public health and safety and environmental protection.

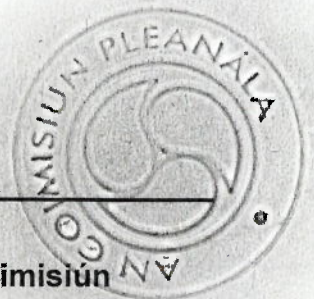
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.


Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 05th day of September 2025