

An
Bord
Pleanála

Board Order ABP-320643-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB/1706/24

Appeal by Brendan and Hannah O'Driscoll care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 29th day of July, 2024 by Dublin City Council to refuse permission.

Proposed Development: Formation of a temporary construction access onto Merrion Road (which includes the demolition of a section of boundary wall that will be reinstated and made good when construction works have been completed). It is proposed to construct a new detached, two-storey plus attic-level house that will provide six number double bedrooms. Other works include alterations to the existing boundary wall along the Sydney Parade Avenue frontage, all on lands to rear of 162 Merrion Road, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature, scale, design and site layout of the proposed development, and also having regard to the 'Z1' and 'Z2' zoning objectives pertaining to the site, and Policies BHA7 and BHA9 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 residential amenities of the area, would not devalue property in the vicinity, would not detract from the character of the receiving environment, would be acceptable from a visual amenity perspective, and 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 agreed with the Inspector that the height of the proposed development was consistent with adjacent properties, the overshadowing or overlooking impacts were not significant, the removal of three trees, flood risk mitigation measures, zero carparking and a pedestrian gate entrance were acceptable. The Board also agreed with the Inspector that there was no uniformity of building line along Sydney Parade Avenue and that the design is in keeping with adjacent properties. The Board, however, considered that, having regard to the plot ratio of 0.35 and the quality and quantity of private open space provided for the proposed development and the adjoining property at 162 Merrion Road, the proposed development would not constitute overdevelopment of the site and did respect the setting and character of the amenity within the residential conservation area.

The Board considered that the proposed development, although located close to the boundary wall on Sydney Parade Avenue, considered that this section of the wall is set back from the road and screened by trees on the public realm and would not have an overbearing impact on the adjacent properties.

The Board agreed with the Inspector, in considering the planning authority's reason for refusal, that the proposed development would not constitute a material contravention of the Dublin City Development Plan 2022-2028.

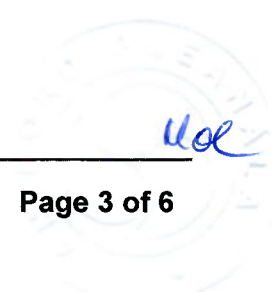
Conditions

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. 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 written approval from the National Transport Authority for the temporary construction access to ensure that the proposed development and phasing of the works comply with the requirements of the Belfield/Blackrock to City Centre Core Bus Corridor Scheme (CBC), details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.



3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including the management of dust, debris and soil (including on adjoining public roads), tree protection measures, noise mitigation measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

4. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a specification and method statement covering all works to be carried out, including the re-instatement of the boundary wall, to ensure that the proposed development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage in accordance with the provision of the Architectural Heritage Protection Guidelines for Planning Authorities.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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 interest of sustainable drainage.

6. Prior to 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

Reason: In the interest of visual amenity and the protection of architectural heritage.

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 Bord Pleanála to determine the proper application of the terms of the Scheme.

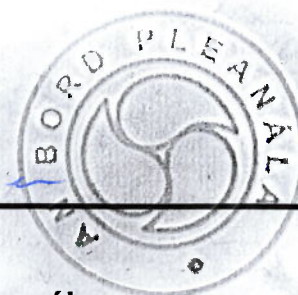
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Marie O'Connor

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 14 day of March 2025.