



An
Bord
Pleanála

Board Order ABP-320809-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4896/23

Appeal by Gerald Moloney and others care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin and by James Fennelly care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 20th day of August, 2024 by Dublin City Council to grant subject to conditions a permission to Raymond O'Malley care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey, two-bedroom detached dwelling (123 square metres) with a first-floor rear (south) facing terrace (12 square metres) and ancillary site development works (no off street car parking is being provided for the proposed dwelling), all on a plot to the rear of numbers 32 and 33 Palmerston Road (access via Beechdale Mews), 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 nature and scale of the proposed development, the provisions of the Dublin City Development Plan 2022-2028, including the zoning objective for the site, and the established pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable form of compact development on an infill site, would not seriously injure the visual or residential amenities of the area, or the adjoining Conservation Area and protected structures and their curtilages, would not endanger public safety by reason of a traffic hazard, and 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, as amended by the further plans and particulars received by the planning authority on the 29th day of July, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The developer shall resurface the laneway in front of the dwelling hereby permitted. The upgrading works to the laneway shall be completed in full prior to the occupation of the proposed development.
 - (b) Refuse bins shall be stored within the development and not on the public road.
 - (c) There shall be no outward opening doors onto the access laneway.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.

Reason: In the interest of pedestrian and road safety and orderly development.

3. The following requirements of the Drainage Division of the planning authority shall be complied with:
 - (a) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.
 - (b) The proposed development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of these shall be agreed in writing prior to commencement of development.
 - (c) All surface water discharge from the proposed development shall be attenuated in accordance with the requirements of the planning authority's Sustainable Drainage Design and Evaluation Guide (2021), to 2 l/s.
 - (d) The outfall surface water manhole and the outfall pipe from the proposed development shall be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. The outfall manhole shall be located within the final site boundary of the proposed development.

(e) All private drainage, such as downpipes, gullies, manholes, armstrong junctions, etc., shall be located within the final site boundary.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water run-off and flood risk as a result of the proposed development.

4. 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/or wastewater collection network.

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

5. Prior to commencement of development, the developer shall submit details of a Construction Management Plan for the written agreement of the planning authority. The plan shall provide details of intended construction practice for the proposed development, including traffic management, working hours, noise and dust management, and off-site disposal of construction waste. The proposed development shall be carried out in accordance with the written agreed details.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity and public safety.

6. 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.



Mary Henchy

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

Dated this 27th day of January 2025.