

An
Bord
Pleanála

Board Order
ABP-320851-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3948/24

Appeal by JJms Properties Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 23rd day of August, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of a new two-storey detached three-bedroom house, new boundary walls, new vehicular access, off street car parking and associated site works, all at 1 Patrickswell Court, Finglas, 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 grounds of appeal, the reason for refusal, the residential zoning objective, the location of the site within the zone of Archaeological Constraint for the Recorded Monuments (DU014-066 (Town) and DU014-0066008 (Fortifications)), the policy framework for residential development 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, comprising a two-storey, three-bedroom dwelling house on an infill development plot with one dedicated car parking space, would provide a reasonable level of residential accommodation on site, would not have an adverse impact on the residential amenities of adjoining properties, including numbers 17, 18, 19 and 20 Wellmount Parade and number 1 Patrickswell Court, would be consistent with Section 15.13.3 (Infill/Side Garden Housing Development) of the development plan and with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 An Bord Pleanála on the 18th day of September, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The first-floor window opening in the south-east side elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

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

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

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

5. Details of the external finishes and boundary treatments of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and residential amenity.

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6. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the local authority Archaeologist in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance and construction works. The Archaeological Impact Assessment shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable - geophysical survey, metal detection survey and archaeological testing. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the Archaeological Impact Assessment. Any further archaeological mitigation requirements specified by the local authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

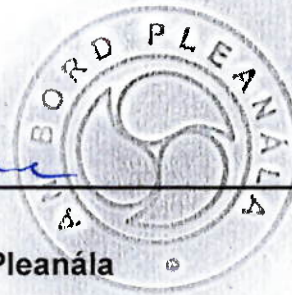
Reason: To ensure the continued preservation either in situ or by record of features or other objects of archaeological interest.

7. 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 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, 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 04 day of December 2024.