



An
Coimisiún
Pleanála

Commission Order

ABP-321091-24

(Original number 312988-22)

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 2928/21

Appeal by Gerard Guidon of 102 Vernon Avenue, Clontarf, Dublin and by Others against the decision made on the 21st day of February, 2022 by Dublin City Council to grant, subject to conditions, a permission to Denali Holdings Limited care of Virtus Project Management of 5th Floor, The Glasshouse, 11 Coke Lane, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development comprises the: (a) construction of three number dwellings comprising: (a) one number three storey (comprising two storey plus dormer) five-bed semi-detached house (circa 237 square metres) and (b) one number three storey (comprising two storey plus dormer) four-bed semi-detached house (circa 198 square metres) to the rear of the existing house at 32 Castilla Park and (b) one number two storey two-bed detached dwelling (circa 130 square metres) to the rear of the existing house at 81 Blackheath Park; (b) removal of existing single storey side extension, provision of new side and rear two-storey extension, partial conversion of attic to provide a study and external alterations at 32 Castilla Park. Number 32, which will remain a three-bed semi-detached house, will

extend to circa 135 square metres (an increase in floorspace of circa 47 square metres; (c) new vehicular and pedestrian access from Castilla Park; and (d) the development will also include for associated all site development works, including internal access roads, drainage and hard and soft landscaping (including boundary treatments), off-street car parking, bin storage, and all other ancillary works at 32 Castilla Park and 81 Blackheath Park, Clontarf, 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 backland and infill nature of the proposed development located on lands zoned Z1 Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022-2028, the policies and objectives of the development plan and in particular policies QHSN6 and QHSNO4 which support residential consolidation, intensification and densification, the development standards set out in the plan, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and the documentation submitted with the application and appeal including the Ecological Impact Assessment and the technical note provided by the Commission's Ecologist, it is considered that, subject to compliance with conditions set out below, the proposed development would be an appropriate form of development on this serviced, under-utilised land and would be acceptable in terms of density and the residential amenity of future residents; would not seriously injure the character of the area or the residential amenities of property in the vicinity; would be acceptable in terms

of pedestrian and traffic safety; is acceptable in terms of ecological impacts; and would not be likely to have a significant effect on European sites. The proposed development would accord with the zoning objectives, policies and provisions of the Dublin City Development Plan 2022-2028 and 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 the planning authority on the 25th day of January 2022, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed house no. 32A Castilla Park shall be modified as follows:
- (a) The en-suite bathroom window at second floor level/attic level shall be fitted with permanently obscure glazing.
 - (b) The flat roof of the proposed dwelling shall not be used for recreational purposes, and the roof shall be accessible for maintenance purposes only.

Reason: In the interest of the protection of residential amenity.

4. The window to the proposed ensuite bathroom at first floor on the proposed extension to the existing dwelling number 32 Castilla Park shall be fitted with permanently obscure glazing.

Reason: In the interest of visual and residential amenity.

5. The proposed boundary treatment design along the western garden boundary of house number 32A and 32B shall be amended such that badger access to foraging grounds can be maintained. The boundary treatment design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the protection of badgers.

6. All mitigation and monitoring measures outlined in the Ecological Impact Assessment Report, Arboricultural Report received by the planning authority on 25th January 2022, and the appeal response shall be implemented in full by the developer.

Reason: In the interest of biodiversity and ecology protection.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

8. The 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.

9. Prior to the 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.

10. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the Interests of visual and residential amenity.

11. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

12. A maximum of four number parking spaces, only, are permitted to serve the existing and proposed dwellings on site.

Reason: In the interest of public safety and the proper planning and sustainable development of the area.

13. All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: In the interest of sustainable transportation.

14. (a) Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.
- (b) All outdoor lighting shall be implemented in accordance with Bat Conservation Trust Guidelines 2023 Bats and Artificial Lighting at Night Guidance Note 08/23.

Reason: In the interests of amenity, public safety, and biodiversity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

16. 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 and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

20. The access road and footpath shall be constructed up to the site boundary to provide for the potential future development of lands to the west, north and east. Drawings demonstrating compliance with this condition shall be submitted to the planning authority prior to the occupation of any new dwelling.

Reason: In the interest of coordinated development.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 developers, 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.

23. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space facilities benefitting 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 developers, 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.



Mary Gurrle

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**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *05* **day of** *January* **2026**