

An
Bord
Pleanála

Board Order
ABP-321459-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4131/24

Appeal by Patrick Boyle of 48 Botanic Road, Glasnevin, Dublin against the decision made on the 26th day of November 2024, by Dublin City Council, to grant permission, subject to conditions, to Lorraine and Stephen Shanley care of Maoiliosa Reynolds Architect of Harrow House, Church Road, Killiney, County Dublin for the proposed development.

Proposed Development: Demolition of a single storey rear garage and construction of a new two storey one-bedroom house with roof garden to the rear, and all ancillary site works. New house to be access off Prospect Avenue at the rear of 46 Botanic Road, Glasnevin, 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 provisions of the Dublin City Development Plan 2022-2028, in particular Section 15.13.3 relating to infill developments, the National Planning Policy Framework, the Sustainable Residential Development and Compact Settlement: Guidelines for Planning Authorities 2024, the Quality Housing for Sustainable Communities: Design Guidelines (2007), the documentation on file and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on adjoining structures or on the amenities of adjoining properties 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 information submitted on the 30th day of October 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 rear patio area shall be as per site plan layout indicated on drawing number BRD P-01 Rev E, prepared by MRD as part of the further information submitted on the 30th day of October 2024. Details of the boundary wall between the proposed development and the existing property at number 46 Botanic Road to be agreed with the planning authority prior to commencement.

Reason: In order to clarify details of the development and in the interests of proper planning and sustainable development.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Prior to commencement of works, 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 development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.



5. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of properties in the vicinity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Friday inclusive, 0800 to 1400 hours Saturdays and no works permitted on site on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the planning authority.

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

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

8. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) 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.

9. Proposals for house naming/numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

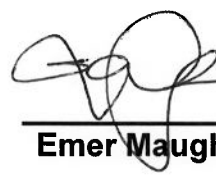
Reason: In the interest of urban legibility.

10. 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 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.

11. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Emer Maughan

Member of An Bord Pleanála

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

Dated this 24th day of April 2025.