

An
Bord
Pleanála

Board Order
ABP-321649-25

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23A/0323

Appeal by Brian Holland care of Niall Jones and Associates Planning Consultants of Somerton House, Ballyboden Road, Rathfarnham, Dublin against the decision made on the 9th day of December, 2024 by South Dublin County Council to grant permission to Aijaz Ali care of Icon Planning and Design of Coolkirk, Termonfeckin, Drogheda, County Louth for the proposed development.

Proposed Development: Construction of four bedroom detached dwelling house to side and rear garden with parking and access to Shackleton Avenue as well as all associated site development works at 36A Dodsborough Cottages, Lucan, County 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 specific characteristics of this infill / backland site, located in an area zoned "Existing Residential (RES)" for which the objective is "to protect and/or improve residential amenity", as per the South Dublin County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the design, nature and scale of the proposed development would be consistent with Policy H13 Residential Consolidation of the development plan. The proposed development would be suitable in terms of scale and alignment, is consistent with residential development in the area and does not seriously injure the amenities of adjoining property. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

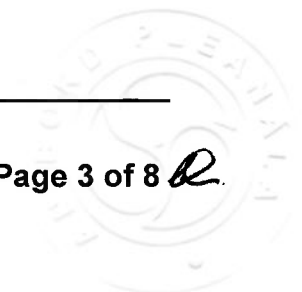
In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the planning authority that the proposed development would not adversely impact on the residential amenities of the newly built adjacent property and was satisfied that the proposed dwelling in terms of height, depth, scale and bulk, in conjunction with its location on the site in an urban environment, would not have a significant and negative overbearing impact on the adjoining dwelling to the east, and would not be contrary to H13 Objective 2 of the South Dublin County Development Plan 2022-2028.

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 submitted on the 12th day of November 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. (a) Prior to the commencement of the development, the developer shall submit the following for written agreement of the planning authority
 - (i) A revised layout with an entrance width no greater than five metres.
 - (ii) An adjusted swept path analysis that reflects the narrower driveway width.
- (b) The boundary walls at both vehicle access points shall be limited to a maximum height of 0.9 metres, and any boundary pillars shall be limited to a maximum height of 1.2 metres, in order to provide forward visibility for vehicles.
- (c) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of the planning authority.



(d) Any gates shall open inwards and not out over the public domain.

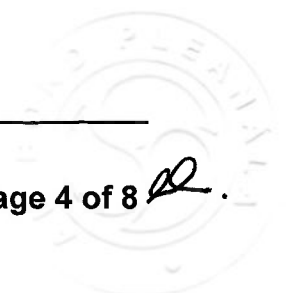
Reason: In the interest of pedestrian safety and the proper planning and sustainable development of the area.

3. The first-floor windows on the eastern gable elevations shall be fitted with obscure glazing.

Reason: In the interest of residential amenity.

4. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following - collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of residential amenities, public health and safety.



5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation 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.

6. Prior to the commencement the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

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

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. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs.

- (iv) Details of screen planting.
 - (v) Details of roadside/street planting.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

Details of compensatory planting to replace those trees being removed (seven number in total) in order to accommodate the proposed development. The specific location, nature and species types of the compensatory planting should be detailed in full.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Prior to the commencement of development, details of all boundary treatment shall be submitted to and approved in writing by the planning authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the submitted details and maintained as approved.

Reason: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity and to safeguard the residential amenity of neighbouring occupiers.

9. The number and naming of the proposed dwelling shall be agreed in writing with the planning authority.

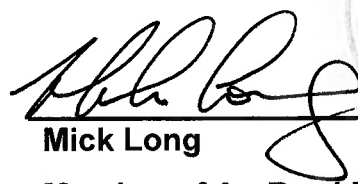
Reason: In the interest of the proper planning and sustainable development of the area

10. 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.

11. 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.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 28th day of March 2025.