

An
Coimisiún
Pleanála

Commission Order
ABP-323056-25

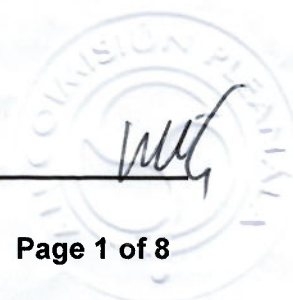
Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2048/24

Appeal by Peter Small against the decision made on the 19th day of June, 2025 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Two by semi-detached, three storey four bedroom dwelling houses. Both dwellings to have rear gardens, upper floor terraces and provision of two new vehicular accesses, provide nine number new off-street car parking spaces within an extended hard surfaced and permeable paved area on the west side of the existing 'The Village' cul-de-sac road in an overall revision to car parking arrangements. This revised location will accommodate both the relocation of the established five existing spaces adjacent to the cul-de-sac ending and a proposed additional four number (new) off-street car parking spaces serving the proposed housing, along with ancillary works at site adjacent to/adjoining numbers 1 and 54 The Village, Bettyglen, Raheny, Dublin.



Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2022-2028 including Policy QHSN6, Policy QHSN10, Objective QHSNO4, Section 15.5.2, and Section 15.13.3 with respect to appropriate infill residential development and densification,
- (b) the nature, scale, and location of the development on a privately owned infill site which was not taken in charge by the planning authority and which is zoned Z1 for which residential development is permitted in principle,
- (c) the measures to ensure appropriate parking provision in accordance with Appendix 5 of the Development Plan, and
- (d) the measures to ensure the protection of ecological and biodiversity features in accordance with s15.6.1, Policy GI14, Policy GI40, Policy GI41,

it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of residential amenity, and would be acceptable in terms of ecology and biodiversity. Therefore, the proposed development would 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, 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 applicant shall submit a revised 'Plans, Elevations and Sections' drawing, for the written agreement of the planning authority, which outlines three number car parking spaces adjacent to the front of the proposed dwellings.

Reason: In the interest of clarity.

3. The proposed first floor rear terrace shall be finished with a 1.8 metres high obscure glazed balustrade on the southern and northern elevations.

Reason: To protect the residential amenities of adjoining properties.

4. The first-floor bathroom and staircase windows shall be of obscure glazing and permanently maintained as such.

Reason: To protect the residential amenities of adjoining properties.

5. No flat roof shall be used as a balcony or terrace, unless authorised by a prior grant of planning permission.

Reason: To protect the residential amenities of adjoining properties.

6. No additional development shall take place above roof parapet level, including external plant, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, a detailed surface water drainage proposal and taken in charge details.

Reason: To ensure the satisfactory management of surface water runoff and as a result of the development.

8. The proposed development shall comply with the following requirements of the planning authority:
- (a) The proposed visitor parking spaces shall be clearly demarcated on the ground with appropriate road markings.
 - (b) The footpath and kerb to be dished for the new vehicular entrances shall be provided to the requirements of the planning authority.
 - (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety.

9. Mitigation measures outlined within the Ecological Impact Assessment (July 2025) shall be implemented in full including the following:
- (a) Site clearance shall be supervised by a qualified ecologist.
 - (b) No site clearance shall take place beyond the red line site boundary.
 - (c) A pre-construction assessment of all trees onsite shall be carried out to determine if bats have inhabited on site trees prior to tree felling.
 - (d) Site clearance works shall take place outside of bird nesting season (March 1st - August 31st).
 - (e) A badger proof fence shall be placed to the rear of the site to prevent mammals entering the works area.
 - (f) A pre-construction assessment for badger setts shall be carried out by a qualified ecologist prior to the commencement of site works. Should any active badger setts be present on site or within 30 metres, the planning authority and the National Parks and Wildlife Services (NPWS) shall be notified. Works shall not proceed until approved by the NPWS.
 - (g) A pre-construction assessment for mammals of conservation importance shall be carried out by a qualified ecologist prior to the commencement of site works. Should mammals of conservation importance be present on site or within the adjacent embankment the National Parks and Wildlife Services (NPWS) shall be notified in relation to obtaining the appropriate permissions.

Reason: To protect biodiversity.

10. The developer shall comply with the following requirements of the planning authority:
- (a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
 - (b) 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.
 - (c) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.

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

11. The naming and numbering of the dwelling units shall be submitted to, and agreed in writing, with the planning authority, prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

13. 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 site security, noise and dust management measures, road cleaning and off-site disposal of construction/demolition waste.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

14. 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 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.

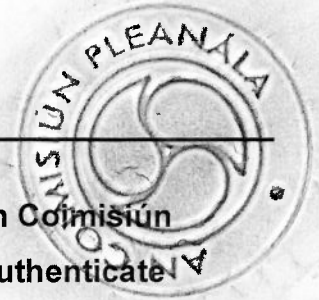


Liam McGree

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 20th day of October 2026