



## Board Direction

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**Ref: PL29S.245704**

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 26<sup>th</sup>, 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons, considerations and conditions set out below.

### REASONS AND CONSIDERATIONS

Having regard to the nature of the works undertaken to these protected structures, including the fact that the wall to the rear of Nos. 122 and 123 Rathgar Road for which retention was sought has been removed, to the limited extent of the openings provided and the reversibility of the works undertaken, it is considered that subject to compliance with the conditions below, the development to be retained would not seriously injure the amenities of property in the vicinity, would not seriously injure the residential amenities of the occupants of the properties on site, would not have an adverse impact on the character and setting of any protected structure and would be consistent with the Objective Z2 (Residential Conservation Area) zoning objective for the area. The proposed development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. Standard plan particulars

**Reason:** In the interest of clarity.

2. a) This grant of permission does not authorise the retention of the stone clad block wall located to the rear of the dwellings at Nos. 122 and 123 Rathgar Road. No walls shall be constructed as shown in grey and annotated 'New Stone Clad Block Wall to Match Existing' on the submitted Site layout Plan (Drg. No. 0553-P-051).

b) The residents of Nos. 122 and 123 Rathgar Road shall have access to the entirety of the open spaces, including the 'grassed' and 'gravel' areas identified as on Drg. No. 0553-P-051, located to the rear of Units 122 and 123 Rathgar Road

**Reason:** In the interests of clarity and in the interests of the amenities of the residents of the multi-occupancy units at Nos. 122 and 123 Rathgar Road.

3. Notwithstanding the exempted development provision of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, and notwithstanding the protected structure status of the subject buildings, no development falling within Classes 1, 3 and 5, Schedule 2, Part 1 of those Regulations shall take place to the rear of 122, 123 or 124 Rathgar Road without a prior grant of planning permission.

**Reason:** In the interests of clarity and in the interests of the amenities of the residents of the multi-occupancy units at Nos. 122 and 123 and the residents of the house at No. 124 Rathgar Road.

4. The garden room and sheds shall be used solely for purposes ancillary to the residential units as such and shall not be used for human habitation or for any commercial use.

**Reason:** In the interests of residential amenity.

Note 1: The Board noted the provisions of Section 57(10) of the Planning and Development Act and considered that there are exceptional circumstances in this instance. The Board considered that the development to be retained has a limited impact on the character of the protected structures; the works do not comprise the demolition of a protected structure but entail the partial removal of rear boundary walls of protected structures where the works have been carried out to a very high standard. The Board further considered that the works are reversible and that the conditions attached to the permission are adequate to protect the character of the protected structures and the amenities of the residents of the protected structures.

Note 2: The Board noted condition number 4 recommended by the Inspector and considered that the modified suite of conditions attached to the Board's direction would adequately protect the amenities of occupants of Nos. 122 and 123 Rathgar Road and the character of the protected structures.

Board Member: \_\_\_\_\_ Date: January 27<sup>th</sup>, 2016  
Nicholas Mulcahy

*Please issue a copy of the direction with the order.*