



An
Bord
Pleanála

Board Direction
BD-000710-18
ABP-300856-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 17th July 2018.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the design of the proposed development, to the scale and nature of proposed works and to the objectives and policies of the Dublin City Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions below, the proposed development would deliver significant positive benefits through the restoration and conservation of the protected structures including the restoration of the front gardens and public realm elements that are fronting onto Dartry Road. Furthermore, the Board considered that the mews dwellings, including Dwelling No.3, would provide an acceptable level of residential amenity to future occupants. The Board considered that the proposed development would not seriously injure the visual and residential amenities of property in the vicinity of the proposed development or negatively impact the integrity, character and setting of the protected structures and 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 noted that the rear gardens of Nos. 14, 15 and 16 Dartry Road were being reduced as part of the proposed development but considered that the separation distances between these houses and the three news mews dwellings was adequate

to ensure that the scale, form and height of the three new dwellings did not adversely affect the character and setting of the protected structures. Furthermore, the board considered that the overall quality of the design of the proposed development and the proposed restoration and conservation of the protected structures from thirteen residential units to three houses including the proposed modifications to the front of the property and the public realm on Dartry Road represented a significant planning gain in terms of architectural heritage.

In also deciding not to accept the Inspector's recommendation to refuse the development due to the lack of private open space to the rear of Dwelling No.3, the board considered that the proposed open space to the front and to the side of the dwelling was acceptable in this context as it would be adequately screened and enclosed by adjoining private open spaces so as to ensure privacy and amenity for the future occupants. The Board also concurred with the planning authority that the proposed visitor parking provision along the lane should be omitted by condition in order to facilitate access and egress for existing and future residents in the area but were satisfied that this was acceptable in this location where the proposed development was located within Parking Area 2 as identified within Map J which provided for a maximum of one space per dwelling in Table 16.1 in the Dublin City Development Plan, 2016-2022. Therefore, the Board did not consider that the proposed development constituted substandard overdevelopment of the site and substandard amenity potential. The Board considered that the proposed development subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area and would not be contrary to 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 lodged with the application except as may otherwise be required 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.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

(a) The proposed 3 no. visitor spaces associated with the mews houses on the laneway shall be omitted

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential] amenity.

3. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

Reason: To ensure appropriate building conservation practice the interest of the protection of the integrity of the structure.

4. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of clarity, and the protection of the residential amenities of the area.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

6. Water supply and drainage arrangements, including 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.

7. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

9. Details of colours and textures of all the external finishes, inclusive of samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

10. Details of the proposed boundary treatment including materials and finishes and for hard and soft landscaping within the perimeter of the site shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interest of the visual and residential amenities of the area.

11. Proposals for a house numbering scheme and associated signage for the proposed mews dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility for new residential areas.

12. 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 of roads, footpaths, watermains, drains, 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 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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. The contribution shall be in respect of the retail unit only and 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. 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 the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member

Date: 17/07/2018

Maria FitzGerald