



An
Bord
Pleanála

Board Direction
BD-001021-18
ABP-301274-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/08/2018.

The Board decided, on a vote of two to one, to grant permission for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the policies and objectives contained within the Dublin City Development Plan 2016-2022, including Policy CHC2 of the plan to ensure that special interest of protected structures is protected, to the nature and scale of the proposed development, to the existing pattern of development in the vicinity, including the existing neighbouring basement storage and roof terrace at No.63 Merrion Square, it is considered that subject to compliance with the conditions below, the proposed development would not detract from the character or setting of the protected structure or the adjoining protected structures within the designated Conservation Area 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 considered that the proposed development, including the flat-roofed single storey detached structure, will not result in excessive intervention to the fabric, original details of the protected structure or its returns, or of the boundary wall which separates the property from the neighbouring No.63 Merrion Square, and will not unduly affect the views and vista of the original building or its returns.

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 structure at basement level shall only be used for storage or other non-habitable uses ancillary to the dwelling house.

Reason: In the interest of clarity and of residential amenity.

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

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

4. 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. Surface water from the site shall not be allowed to discharge onto adjoining properties.

Reason: In the interest of public health and to and to protect the amenities of adjoining properties.

5 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Site development and building works shall be carried out between the hours of 0800 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 residential amenities of property in the vicinity.

7. (a) An accredited Conservation Architect shall be employed by the developer to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of the protected structure is maintained and that the existing fabric is protected from unnecessary damage or loss.

8. CMP1

9. UnSpec S.48

10. UnSpec S.49 (Luas) (if relevant, Drafting to check)

Board Member

Date: 30/08/2018

Stephen Bohan