



An
Bord
Pleanála

Board Direction
BD-003475-19
ABP-304060-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7/4/2019.

The Board decided to make a split decision, to

- (1) grant permission for the proposed development (omitting the basement element of the single storey (over basement) extension for the following reasons and considerations and subject to the following conditions

(1) Reasons and Considerations

Having regard to the inclusion of the structure in the Record of Protected Structures and to the Z2 Residential Neighbourhood (Conservation Areas) zoning objective for the proposed area in the Dublin City Development Plan, 2016-2022, and to the nature, extent and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not materially and adversely affect the historic fabric, integrity, character and setting of the existing building and would not seriously injure the visual or residential amenities of the 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 for the removal of the existing side gate, piers and walls at the southeast side of the house and the reconstruction of the dormer extension in the rear and the full height curtain walling system in the rear façade, the Board considered that the loss of some original fabric was acceptable in the context of the quality of the design of the

proposed development and the overall planning gain associated with the refurbishment and conservation of the existing protected structure. The Board considered that these modifications were not material and would not adversely affect the overall character, visual amenity and setting of the protected structure and adjoining buildings within the residential conservation area and would, therefore, 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 lodged with the application as amended by the further plans and particulars lodged with the planning authority on 12th February, 2019, 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. Revised plan, section and elevation drawings showing details for the development which is authorised under this grant of permission shall be submitted and agreed in writing with the planning authority prior to the commencement of the development.

Reason: In the interest of clarity.

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. 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.

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

Reason: In the interest of visual amenity.

6. The garage and plant room structure shall be used solely for purposes incidental to the residential use of the dwelling and shall not be sold sublet or used for commercial purposes without a prior grant of permission.

Reason: In the interest of clarity and residential amenity.

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. 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. The contribution 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. 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 the Board to determine the proper application of the terms of the Scheme.

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.

and

(2) refuse permission for the basement extension generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

1. Having regard to the inclusion of the existing and neighbouring dwellings in the Record of Protected Structures for Dublin City, to its location within an area zoned Z2 Residential Neighbourhoods (Conservation Areas) and within Flood Zone Site 8 in the Strategic Flood Risk Assessment, and to Policy SI13 of the Dublin City Development Plan, 2016-2022, which seeks to discourage any significant underground or basement development or excavations below ground level of, or adjacent to residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures and states that development of all basements or any above ground buildings for residential use below the estimated flood levels for flood zone areas 'Zone A' or 'Zone B' will not be permitted, it is considered that the proposed basement would materially contravene the Dublin City Development Plan, 2016-2022 and would be

prejudicial to public health and would set an undesirable precedent for similar development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 05/07/2019

Maria FitzGerald