



An  
Bord  
Pleanála

**Board Direction**  
**BD-006566-20**  
**ABP-307072-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/09/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

## **Reasons and Considerations**

Having regard to the planning history for the site, to the policies for the delivery of compact sustainable urban infill residential development in the city as prescribed in current national policy and strategic guidance, to the Z2 zoning objective to “*protect and/or improve the amenities of residential conservation areas*” according to the Dublin City Development Plan, 2016-2022, to the extant residential use and existing western orientation of the fenestration of the two existing nineteenth century houses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would not adversely affect the integrity and special architectural character of the existing houses on the site and development within the streetscape along Sandymount Avenue, would provide a satisfactory standard of residential amenities for the future occupants, would be acceptable in terms of pedestrian and traffic safety and 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 and by the further plans and particulars received by An Bord Pleanála on the 18<sup>th</sup> day of June 2020 and 20<sup>th</sup> day of July, 2020, 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. In the interests of clarity, the Board is satisfied that the layout and quantum of private open space that was submitted with the application to the planning authority provided a satisfactory level of private open space to future occupants of the proposed development and does not require the amendments proposed in the applicants submissions of the 18<sup>th</sup> day of June 2020 and 20<sup>th</sup> day of July, 2020

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

2. All historic building conservation works including mechanical and electrical servicing of the existing houses shall be in accordance with the recommendations in: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005 and shall be implemented and completed under the direction of a person with specialist expertise in historic building conservation in accordance with best conservation practice

**Reason:** In the interest of clarity, and the special interest and character of the existing nineteenth century houses and their protection from unnecessary damage or loss of historic fabric.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

**Reason:** In the interest of visual amenity.

6. Details of the proposed arrangements for all hard and soft landscaping and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority details of the proposed works to the existing front boundary wall, to include alterations to provide for the entrance, and for the proposed railings to be mounted which shall be painted black. The height above footpath level for wall and railings shall not exceed. 1.8 metres.

**Reason:** In the interest of clarity and visual amenities.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services. To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5m below ground level before being discharged by gravity from the site to the public sewer.

**Reason:** In the interest of public health.

9. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

10. Proposals for a name and numbering scheme and associated signage for the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

11. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

12. 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 Bord 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.

**Note 1:** In deciding not to accept the Inspector's recommendation to omit the proposed basements, the board concurred with the planning authority that the basements which were proposed for the two new dwellings only were acceptable within the Z2 zoning and that subject to compliance with the conditions set out above would not negatively impact on the existing structures of architectural heritage merit that are located on the site.

**Note 2:** The Board noted some typographical errors in the description of the observations from Joe Hayes of 11 Sandymount Avenue and Des Harold of 9

Sandymount Avenue within the Inspector's report but considered the submissions at the Board meeting. The Board also noted that the Inspector had not addressed the appeal by Kathleen Byrne (of 25 Shrewsbury Square, Sandymount Avenue) in the Inspector's Report but the Board considered the issues raised in the submission at the Board meeting.

Copy of Board Direction to issue with Board Order

**Board Member**

**Date:** 28/09/2020

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Maria FitzGerald