



An
Bord
Pleanála

Board Direction
BD-010709-22
ABP-311878-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17th May 2022.

The Board decided to issue a split decision to Grant retention for the removal of the modern rear garage wall for the reasons and considerations set out at 1 below and subject to the conditions below, and to

Refuse permission for the construction of a wall and gates along the historical rear boundary line of a protected structure and the removal of an encroaching council owned tree for the reasons and considerations set out in 2 below.

1. Reasons and Considerations

Having regard to the non-original nature of the rear garage wall and to the proposal for the replacement boundary to be in keeping with the character of the protected structure and the conservation area, the Board was satisfied that the development for which retention is sought would not adversely affect the character and setting of the Protected Structure and would not seriously injure the visual amenities of the area. The Proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development for which retention is sought 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. Within 6 months of the date of this order, details of the replacement boundary treatment to be installed in place of the removed rear garage wall shall be submitted to and agreed in writing with the Planning Authority. The boundary treatment shall be constructed in accordance with the details approved.

Reason: In the interest of orderly development and visual amenity.

2. Reasons and Considerations

1. The proposed development would require the removal of a mature lime tree and is likely to have a negative impact on the root system of another mature lime tree. Both trees are essential elements of an historic 19th century tree alignment along Cambridge Road. The proposed development would therefore conflict with Section 15.3.3 and Policy GI28 of the Dublin City Development Plan 2016-2022 and the Dublin City Council Tree Strategy (2016-2021) which seek to protect and retain street trees where possible. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed development, the Board noted that the proposed alignment and materials for the boundary and gate would require the removal of one street tree and would encroach on the root system of a second tree. The Board considered that the loss of these historic trees was not justified in the particular circumstances of the proposed

development and therefore considered that the proposed development would be contrary to the relevant provisions of the Dublin City Development Plan 2016-2022.

Board Member Maria FitzGerald
Maria FitzGerald

Date:

17th May 2022

