



An  
Bord  
Pleanála

**Board Direction**  
**BD-012067-23**  
**ABP-312056-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/05/2023.

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 established use and condition of the property, the design and scale of the proposed development and the pattern and character of development in the vicinity, the policies of the current Dublin City Development Plan 2022-2028, including the Z2 Residential/Neighbourhood (Conservation Areas) zoning objective for the area, Policy BHA2 which seeks the conservation and enhancement of protected structures, and national guidance including the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2011), it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on the character of the protected structures or the wider Z2 conservation area, would provide an acceptable level of residential amenity for future occupants and would not seriously injure the amenities of adjacent property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) The lower ground floor level of number 16 shall not be lowered, except within the rear return section.
  - (b) The stairs between the lower and upper ground floor levels in number 16 shall be retained.
  - (c) The opening in the dividing wall between the front and rear rooms at the lower ground floor level of number 16 shall be a maximum width of three metres.
  - (d) The level of the new fencing on the boundary walls shall be a maximum height of 1.8 metres above the upper garden terrace levels. The length of the fencing shall be a maximum of six metres from the rear site boundary.
  - (e) The bin stores and air to water heat pumps shall be relocated to a location behind the front façade of the buildings.

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 order to protect the character of the protected structures.

3. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. 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.

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

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

6. The construction of the proposed 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 intended construction



practice for the development, including traffic management, noise/dust management measures, and off-site disposal of construction/demolition waste.

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

7. Prior to the commencement of development on the Protected Structures, the applicant/developer shall submit for the written agreement of the planning authority confirmation that: (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

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, 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 the 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.

Board Member

*Patricia Calleary*  
Patricia Calleary

Date: 02/05/2023

