



An
Coimisiún
Pleanála

Direction
CD-020572-25
ABP-319774-24

The submissions on this file and the Inspector's report were further considered at a meeting held on 13/08/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Date: 01/09/2025


Tom Rabbette

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the land use zoning objective pertaining to the site, to the use proposed, and also having regard to the nature, scale and height of the proposed development as amended in the ground of appeal submitted by the applicant, it is considered that, subject to compliance with the conditions below, the proposed development would not adversely impact on the visual or residential amenities of the receiving environment, would provide for an appropriate residential use on this serviced underutilised derelict urban site, would be acceptable in terms of traffic and pedestrian safety and convenience, and would constitute a positive impact on the local architectural heritage by way of the restoration and reuse of the derelict Roebuck Grove House. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommended refusal reason no. 1, the Commission considered that the amended scheme submitted with the grounds of appeal that reduced the height of the proposal, in addition to the 'saw-tooth' plan form and external finish of the extension (as indicated in section 04 of 'Architectural Design Statement' received by the planning authority on the 5th day of March 2024) would appropriately mitigate visual and overbearance impacts to an acceptable level when viewed from No. 22 The Grove, in addition, further mitigation in relation to visual impacts can be provided by way of a condition requiring landscaping to be provided between the southern elevation of the extension and the boundary with No. 22 The Grove at ground level. Furthermore, in relation to recommended refusal reason no. 1, the Commission did not consider that the proposed communal amenity space, in the form of the external courtyard, would be injurious to the residential amenity of No. 22 The Grove by reason of disturbance. In this regard the Commission noted that the proposed external courtyard area is at a lower level than the rear garden of No. 22 The Grove and is located to the rear of the application site. The Commission considered that the differences in levels and distribution of the courtyard space across the rear of the site, are sufficient mitigations to ensure there is no undue disturbance on No. 22 The Grove. As there is no specific standard or guidance for the quantum of communal open space for the use proposed, either in the statutory plan for the area or in national guidance, the Commission considered that it may be considered unreasonable to refuse permission in relation to this matter, the Commission noted c.70 sq.m. of communal external open space is being provided on site and that the development is within walking distance of public open spaces, including Rosemount Green.

In deciding not to accept the Inspector's recommended refusal reason no. 2, the Commission considered that this matter could be appropriately addressed by way of condition that requires the applicant to provide management facilities within the development.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted with the grounds of appeal, specifically, the development shall be as indicated in 'Option 2' submitted with the grounds of appeal that omits 1 no. floor plan reducing the height of the scheme to 3 no. storeys over lower ground floor level, 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, architectural heritage protection and the visual and residential amenities of the receiving environment.

2. Prior to the commencement of the development the applicant shall submit to the planning authority for written agreement an amended upper ground floor plan that omits unit 1B_02 as indicated on drawing titled 'Upper Ground Floor GA Plan – Option 2' submitted with the grounds of appeal and this unit shall be redesigned to provide for appropriate management facilities required for the management of the development.

Reason: To provide for appropriate management facilities for the development as referred to at 'General Standards & Provisions' of the 'Guidelines for Development of New Emergency Accommodation' (Department of Housing, Planning and Local Government September 2022).

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include for screen planting proposals for the area between the southern elevation of the proposed extension and the shared boundary with No. 22 The Grove at ground level.

Reason: In the interest of visual amenity and to mitigate overbearance impacts on No. 22 The Grove to the south of the site.

4. Prior to the commencement of development on Roebuck Grove House samples of materials and workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiun Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

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

5. The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of

development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

6. Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual amenity.

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to hours of working, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety.

9. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

10. 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 Coimisiún 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