

An
Bord
Pleanála

Board Direction
BD-018108-24
ABP-319780-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2024.

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

Reasons and Considerations

Having regard to the context of this subject site and the relevant provisions of the Dublin City Development Plan 2022-2028, including the Z2 Residential zoning objective, it is considered that, subject to compliance with the conditions set out below, the proposed development would support urban consolidation in this residential area in accordance with Policy QHSN6, would not adversely impact the principal dwelling, which is a Protected Structure, in accordance with Policy BHA2, and that the design, layout, height, scale and massing would be in accordance with Development Management Standards Section 15.13.5 for Mews Dwellings.

Furthermore, it is considered that the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity and would be acceptable from a visual amenity perspective. 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 recommendation to refuse permission, the Board had regard to section 5.3.2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024), which sets out that in small urban infill schemes, the private open space standard may be relaxed in part

or whole, on a case-by-case basis, subject to overall design quality and proximity to open space. In this context, the Board had regard to this corner site, at the end of the terrace on Ormond Street South and adjacent to Annesley Park, the availability of public open space in the vicinity, its proximity to high frequency public transport, the high-quality design of the proposed development and the amendments made on appeal which will enhance the usability of the available private open space. The Board, therefore, considered that a reduction in the quantum of private open space available for the proposed development was acceptable in this instance. The Board also noted the report on file from the Planning Authority's Conservation Officer, which considered the proposed mews dwelling to be of a high standard, that it is appropriately scaled relative to the principal residence and that it would provide an adequate quantum of amenity space for the Protected Structure, in accordance with the development plan standards. The Board noted the Conservation Officer's concerns centred on the retention of the historic boundary wall and a reduction in ridge and eaves height of the proposed mews dwelling, matters which have been addressed in the documentation received on appeal. The Board noted that a relaxation in rear garden length for backland dwellings may be acceptable as set out in Section 15.3.4 of the Development Management Standards, once the applicant can demonstrate it will not negatively impact on adjoining residential amenity. The Board considered this to be the case in this instance, given the lack of fenestration on the southern elevation of the proposed dwelling and its distance and disposition relative to dwellings on Annesley Park. The Board considered the limited level of overlooking of the host dwelling, as noted in paragraph 7.5.2 of the Inspector's report, would be acceptable in this urban setting, and given both host and proposed dwelling are under the same ownership. Given the totality of information on file and having regard to the site context as set out above, the Board considered a grant of permission was appropriate in this instance.

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 revised plans and particulars received on appeal dated 22nd day of May 2024, 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. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, a specification and method statement, covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice, including the protection of the historic boundary walls insitu.

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

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 only out between the hours of 0800 to 1900 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.

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the attenuation and 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.

7. 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.

8. 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 and residential amenity.

9. Upon completion of the development, the public footpath and laneway adjacent to the dwelling, shall be resurfaced to comply with the requirements of the planning authority.

Reason: In the interest of amenity and pedestrian safety.

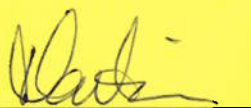
10. Proposals for a name and numbering scheme for the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

11. 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.

Board Member


Martina Hennessy

Date: 07/11/2024