

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3334/15**

An Bord Pleanála Reference Number: PL 29S.245618

**APPEAL** by The Pembroke Road Association of 57 Pembroke Lane, Ballsbridge, Dublin against the decision made on the 18<sup>th</sup> day of September, 2015 by Dublin City Council to grant subject to conditions a permission to Michael Holland care of Noonan Moran Architecture of 139 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of the demolition of the existing warehouse and the construction of a two-storey plus attic (324 square metres) over basement (137 square metres) three bedroom dwelling, total floor area of 461 square metres, set back from Pembroke Lane with a recessed terrace at first floor level on the southern façade. Garden area to the front together with a new vehicular entrance from Pembroke Lane for off-street car parking for one number car, all at 67 Pembroke Lane, Ballsbridge, Dublin.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, to the pattern of development in the area, to the submission lodged by all parties including those of the 7<sup>th</sup> and 10<sup>th</sup> February, 2016 and the 2<sup>nd</sup> March, 2016 in response to the section 137 request, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not contravene Section 17.9.14(a) of the Dublin City Development Plan 2011-2017 and 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 considered that due to the heavily altered state of the existing coach, the proposed demolition of the existing remnants of the coach house would not erode the character of the residential conservation area or establish an adverse precedent and would therefore 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 as amended by the further plans and particulars submitted on the 26<sup>th</sup> day of August, 2015, 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. The development hereby approved shall incorporate the following amendments:

- (a) The proposed terrace at first floor level shall be fully recessed into the building. The section of approximately one metre which projects forward of the front building line shall be omitted so that it does not project forward of the front of the building.
- (b) The west facing window serving the en-suite at second floor level shall be conditioned to be a high level window with a cill level of approximately 1.8 metres.
- (c) The mansard roof to the rear shall be constructed in accordance with the Proposed Elevations Plan drawing number PL-009 Revision A submitted to the planning authority on the 26<sup>th</sup> day of August, 2015.

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

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 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.

4. Water supply and drainage arrangements, including the 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.

- 5. (a) The planning authority's drainage records are indicative and shall be verified on site.
- (b) The drainage for the proposed development shall be designed on a completely separate system with a combined final connection discharging into the public combined sewer system.

- (c) To minimise the risk of basement flooding, all internal basement drainage shall be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- (d) The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction.
- (e) The outfall manholes from this development shall be constructed in accordance with the Code of Practice for Development Works – Drainage.
- (f) All private drain fittings such as downpipes, gullies, manholes, Armstrong Junctions etc., shall be located within the final site boundary. Private drains shall not pass through property they do not serve.

**Reason:** To ensure a satisfactory standard of development.

- 6. The proposed demolition and excavation works shall be carried out in such a manner as to protect and ensure the continuing stability of the adjoining properties. All such works shall be carried out by a competent contractor, under the supervision of a chartered structural engineer.

**Reason:** To protect the stability of adjoining properties.

- 7. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**