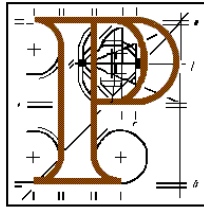


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD15A/0228

An Bord Pleanála Reference Number: PL 06S.245650

APPEAL by An Taisce care of Moret, Edmondstown Road, Dublin against the decision made on the 28th day of September, 2015 by South Dublin County Council to grant subject to conditions a permission to Ursula and Natasha Kenny care of Architects Workshop Limited of Suite 1, 20 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Modernisation and extension of 34 square metres to existing Liscarney House (Protected structure), a four bedroom detached dwelling at 196 Butterfield Avenue, and erection of one number detached four bedroom dwelling of 184 square metres with relocated entrance driveway to existing and proposed dwellings from Butterfield Avenue to cater for two number car spaces per dwelling with retention of existing ornate railing on Butterfield Avenue and existing boundary wall on Butterfield Drive with rear garden shed to garden and associated landscaping to lands at 196 Butterfield Avenue and Butterfield Drive, Rathfarnham, 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 residential land use zoning on the site, the pattern of development in the area, the size of the site, the proposed layout of and design of the development, the proposal to retain and refurbish the existing house 'Liscarney House' as part of the proposal and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate with and compliment existing development in the area, would not seriously injure the residential or visual amenities of the area, and would appropriately manage the built heritage of the area. 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 noted that the applicant's response to the appeal by An Taisce served to satisfy a number of the concerns arising in relation to protection of the fabric and character of Liscarney House, and considered that subject to compliance with planning conditions that will guide the construction stage, the development would not compromise the architectural integrity of the house. The Board was satisfied that the design of the proposed new house was appropriate and complimentary to the existing streetscape in the area and would enhance the overall visual amenities of this corner site.

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 received by An Bord Pleanála on the 18th day of November, 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street sign, and house number, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

3. The following requirements of the planning authority shall be strictly adhered to:-
 - (a) Planting shall be implemented in the front garden area in the first planting season following completion of the development. The developer is advised to consult with the Parks Department to establish its requirements.
 - (b) The rear garden wall separating the existing house from the proposed house shall be two metres high constructed of block suitably capped and rendered or similar durable materials.

Reason: In the interest of protection of residential amenity and the maintenance of visual amenity.

4. 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.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

6. Water supply and 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. Prior to commencement of development:-
 - (a) Liscarney House shall be safeguarded during the proposed works and all existing architectural features shall be protected. A method statement for how the house and associated features, that is, boundary walls/railings shall be provided and agreed with the Councils Architectural Conservation Officer prior to the commencement of works.
 - (b) With regard to the proposed works to the existing structure which is a proposed protected structure, a method statement shall be submitted providing details of the retention of original features and how the works proposed to the existing structure adhere to conservation principles including both external and internal works.

- (c) Further details of how the existing front boundary will be retained within the overall design for the boundary treatment along Butterfield Avenue shall be submitted for written agreement prior to the commencement of works.
- (d) Details of the final paint colour/self-coloured render for the extension to the existing dwelling and for the entire new dwelling shall be submitted for written agreement.

Reason: In the interest of visual amenity and to safeguard a proposed protected structure.

- 8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

- 9. The developer shall pay to the planning authority a financial contribution of €15,651.04 (fifteen thousand, six hundred and fifty-one euro and four cent) 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. The application of any indexation required by this condition 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.

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.

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

Dated this day of 2016.