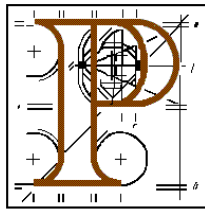


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3430/15**

An Bord Pleanála Reference Number: PL 29S.245704

**APPEAL** by Ray and Paula Moore of 124 Rathgar Road, Rathgar, Dublin against the decision made on the 8<sup>th</sup> day of October, 2015 by Dublin City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Restoration of original rear gardens including new steps and paving, restoration of existing boundary walls, demolition of existing timber sheds at number 122, new openings between side boundary walls to numbers 122 and 123 (three-storey semi-detached multitenancy dwellings) and number 124 (two-storey detached dwelling), construction of one number garden room (24.4 square metres to number 123 and two number sheds (4.9 square metres each) to number 122 and new walls, all to rear of numbers 122 and 123. All at numbers 122, 123 and 124 Rathgar Road, Rathgar, Dublin, which are protected structures.

## **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 of the works undertaken to these protected structures, including the fact that the wall to the rear of numbers 122 and 123 Rathgar Road for which retention was sought has been removed, to the limited extent of the openings provided and the reversibility of the works undertaken, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of property in the vicinity, would not seriously injure the residential amenities of the occupants of the properties on site, would not have an adverse impact on the character and setting of any protected structure and would be consistent with the Objective Z2 (Residential Conservation Area) zoning objective for the area. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

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

2. (a) This grant of permission does not authorise the retention of the stone clad block wall located to the rear of the dwellings at numbers 122 and 123 Rathgar Road. No walls shall be constructed as shown in grey and annotated 'New Stone Clad Block Wall to Match Existing' on the submitted Site Layout Plan (Drawing Number 0553-P-051).
- (b) The residents of numbers 122 and 123 Rathgar Road shall have access to the entirety of the open spaces, including the 'grassed' and 'gravel' areas identified on Drawing Number 0553-P-051, located to the rear of units numbers 122 and 123 Rathgar Road.

**Reason:** In the interest of clarity and in the interest of the amenities of the residents of the multi-occupancy units at numbers 122 and 123 Rathgar Road.

3. Notwithstanding the exempted development provision of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, and notwithstanding the protected structure status of the subject buildings, no development falling within Classes 1, 3 and 5 of Part 1 of Schedule 2 of those Regulations shall take place to the rear of numbers 122, 123 or 124 Rathgar Road without a prior grant of planning permission.

**Reason:** In the interest of clarity and in the interest of the amenities of the residents of the multi-occupancy units at numbers 122 and 123 and the residents of the house at number 124 Rathgar Road.

4. The garden room and sheds shall be used solely for purposes ancillary to the residential units as such and shall not be used for human habitation or for any commercial use.

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

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

**Dated this            day of            2016.**