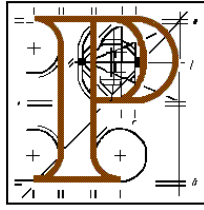


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3631/15**

An Bord Pleanála Reference Number: PL 29S.245857

**APPEAL** by Liz Duggan and Paul Duggan care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin against the decision made on the 9<sup>th</sup> day of November, 2015 by Dublin City Council to refuse permission.

**PROPOSED DEVELOPMENT:** Removal of domestic garden shed and construction of a new four bedroom, two-storey over basement, flat roof mews dwelling (324 square metres floor area) with terrace at first floor to rear on south and east side, to the rear of number 73 Highfield Road and fronting onto Neville Road, Rathgar, Dublin, a Protected Structure. The development will include (a) a new vehicular and pedestrian entrance from Neville Road, (b) demolition and rebuilding of the existing boundary wall to the rear lane so that the mews lane is widened, (c) relocation of the existing pedestrian door from Neville Road into the rear garden of number 73 Highfield Road and (d) associated site works, new boundary wall treatment and landscaping works. (As amended by the revised public notice received by An Bord Pleanála on the 16<sup>th</sup> day of May, 2016, as follows (1) omission of the proposed study at first floor level on the northern side of the proposed development (thus reducing the first floor area by approximately 15% from 100 square metres to 85 square metres), (2) reduction in the highest portion of the proposed development by 0.65 metres from 7.1 metres to 6.45 metres, (3) reduction in the height of the proposed development along Neville Road by 0.45 metres from 6.7 metres to 6.25 metres, (4) with regard to the scale and height of the proposed development facing westwards onto the rear garden of number 72 Highfield Road, the proposed development has been reduced in height immediately next to the boundary by 1.45 metres to 5.65 metres from 7.1 metres and has been reduced by 3.5 metres in the length, with high level windows proposed to be omitted, (5) reduction in length and area of proposed first floor terrace by 1.2 metres in length and by eight square metres in area (approximately 28% reduction in area) to 20 square metres, (6) it is also proposed to clad the entire house in brickwork from the mix of plaster/brick

previously to provide for a more cohesive and sculptural form and (7) an additional wing wall is proposed to the lane at the western boundary with the rear studio of number 72 Highfield Road in order to address the issue of exposed windows to the adjoining studio at the rear of number 72 Highfield Road.

## **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 Z2 zoning provision for the site in the Dublin City Council Development Plan 2011-2017, the nature, scale and design of the proposed development and the pattern of development in the area, the Board considered that the proposed development, subject to compliance with the conditions as set out below, would not seriously injure the visual or residential amenities of the area, would not constitute a traffic hazard 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 the revised design as submitted with the appeal sufficiently overcomes concerns regarding scale and impact on the visual and residential amenities 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 received by An Bord Pleanála on the 7<sup>th</sup> day of December, 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 external finishes of 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.

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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

5. 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.**