

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3754/15**

An Bord Pleanála Reference Number: PL 29S.245924

**APPEAL** by Pat Desmond care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 25<sup>th</sup> day of November, 2015 by Dublin City Council to grant subject to conditions a permission to Karen Reihill of Sheehan and Barry of 88 Ranelagh Village, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the existing one and two-storey extension to the side and rear, and garden wall to the side of the detached two-storey five bedroom property; as well as the demolition of the single storey shed and boiler house to each side of the house, and single storey garden store to rear. The development will consist of the construction of a new part single storey, and two-storey over basement extension to the side and rear of the original house to create a detached two-storey over part basement six bedroom dwelling. Rooflights are proposed within the single and two-storey extension to the rear. New boundary treatment to each side of the front elevation of house; new shed to west side of the house with new sunken courtyard to the rear. Internal reconfigurations to the original house will include works at ground and first floor level to close existing, and reopen original opes as well as creating new opes between rooms and to the new extension. The development will also consist of the creation of a new vehicular entrance gate to the north-west to replace existing pedestrian entrance; and widening of existing vehicular entrance and new gate off Ailesbury Road; reconfiguring and extending internal driveway to new entrance; alterations to front boundary wall to include new railing above; new wall to side of house; as well as all associated landscape, conservation and site development works, all at Saint Peter's, 91 Ailesbury Road (a protected structure), 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 policies and provisions of the Dublin City Development Plan 2011–2017, the planning history of the site, the nature and scale of the proposed development and the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the character of the existing dwelling which is a Protected Structure and with the character of the conservation area within which the site is located and would not seriously injure the visual or residential amenities of the area. The proposed development 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 received by An Bord Pleanála on the 27<sup>th</sup> day of January, 2016, 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 proposed development shall be amended as follows:
- (a) The proposed new vehicular entrance shall be omitted.
  - (b) The proposed contraction of on-street car parking space in conjunction with the proposed widening of the existing vehicular entrance shall be limited to one metre.
  - (c) The proposed closure of the arched opening between the front and rear portions of the drawing room shall be omitted.
  - (d) The proposed closure of the arch above the main landing shall be omitted.
  - (e) The proposed alterations, including the removal of the fireplace and chimney breast, to the first floor vestibule shall be omitted. The re-opening of the doors on either side of the proposed enlarged vestibule shall be omitted, too. Within the existing vestibule, the arched opening on the right hand side shall be enclosed and a door corresponding to the door on the left hand side shall be inserted in this enclosure.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of ensuring that on-street car parking spaces are retained insitu and in order to protect the character of the dwellinghouse as a protected structure.

3. All proposed works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension and details of the railings proposed for installation above the front boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. 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.

6. Site development and building works shall be carried only out between the hours of 0800 to 1900 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.

7. 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.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

9. 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.**