

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3909/15**

An Bord Pleanála Reference Number: PL 29S.246065

**APPEAL** by Pat and Geraldine Cole care of AKM of Unit 9, Trinity Court, Fonthill Business Park, Dublin against the decision made on the 17<sup>th</sup> day of December, 2015 by Dublin City Council in relation to an application for permission for development comprising demolition of the existing single storey extension and the construction of a new two-storey extension and single storey extension, with two number rooflights, to the rear of the existing structure, elevational changes to the side of the existing house and associated internal remodelling on the first floor, including the formation of a new ope between the existing house and the new extension and all associated site works, all at 19 Cambridge Road (a protected structure), Rathmines, Dublin accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for demolition of the existing single storey extension and the construction of a new single storey extension, with one number rooflight and associated site works and to refuse permission for construction of the first floor extension with one number rooflight, to the rear of the existing structure, elevational changes to the side of the existing house and associated internal remodelling on the first floor, including the formation of a new ope between the existing house and the new extension).

## **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 zoning Objective "Z2" for the area as set out in the Dublin City Development Plan 2011-2017 and the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the Cambridge Road neighbourhood or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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, 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 modified as follows:
  - (a) the proposed corner window to the first floor extension element shall be omitted from the development, and repositioned to a more central position in the proposed rear first floor elevation as indicated on documentation submitted to An Bord Pleanála on the 15<sup>th</sup> day of March, 2016, and

(b) the double height window on the east (side) elevation shall be glazed in opaque glass.

**Reason:** In the interest of clarity and to prevent overlooking of adjoining residential property.

3. The external finishes of the proposed development shall be the same as those of the existing dwelling in respect of materials, colour and texture, Details, including samples, of the materials, colours and textures of all the external finishes to 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 orderly development, the protection of the character of the protected structure, and of the visual amenities of the area.

4. All proposed works to the protected structure shall comply with the 'Conservation' requirements of the planning authority. All works shall be carried out under the supervision of a qualified Conservation Architect, with specialised conservation expertise and shall be undertaken in accordance with Best Conservation Practice.

**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.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit, and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** In the interest of clarity and to restrict the use of the extension in the interest of residential amenity.

6. 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 and to ensure a proper standard of development.

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 the 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 interest of amenities and public safety.

8. 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.**