

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0190

An Bord Pleanála Reference Number: PL 06D.246117

APPEAL by Mary Fitzgerald and Robert Towers of 2 The Crescent, Monkstown, County Dublin and by Monkstown Crescent Garages Limited of 21 The Crescent, Monkstown, County Dublin against the decision made on the 12th day of January, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to London Whitehall Limited care of Eavan Diamond of 23 Hainault Drive, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from residential to café/restaurant including single storey rear extension to form new kitchen and toilet facilities. Consultation room and resource facilities at first floor level for use in conjunction with persons with autism. Demolition of existing rear boundary wall and construction of new wall to lines shown. Demolition of existing outbuilding to front courtyard area. The application site is within the curtilage of a protected structure at 20 Monkstown Crescent, Monkstown, County 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 zoning objective for the site and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character of the subject protected structure or of neighbouring protected structures, 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, as amended by the further plans and particulars submitted on the 7th 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. Prior to the commencement of development, revised details and drawings showing the proposed development modified as follows shall be submitted to, and agreed in writing with, the planning authority:
- (a) A detailed strategy for the refurbishment to the subject property for all external finishes (to include windows, roof and walls).
 - (b) Additional/alternative replacement window details, noting that where the size of the original opening has been altered, it may be acceptable to insert non-traditional windows, and noting that subject to further investigation and submitted details, original openings shall be fitted with a more appropriate window based on historically accurate detailing.
 - (c) A programme of works for the repair of the roof shall be in accordance with the Department of the Environment, Heritage and Local Government Advice Series "Roofs- A Guide to the repairs of Historic Roofs" and samples of new slate, if any.
 - (d) Additional/revised details to include opening up works that may reveal to what extent the front elevation carriage arch survives and any revised design, including materials for the carriage arch feature at the same or reduced height as appropriate.
 - (e) The proposed front wall top railings and adjoining railing pedestrian gate shall be omitted and the proposed stub front boundary wall increased to one metre height with a render or exposed stone finish.
 - (f) Eastern and front elevation drawings of the proposed dining area to the front of the property.

All works to the structure shall be carried out under the professional supervision on-site of an accredited Grade 1 Conservation Architect or expert with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011, and in accordance with Best Conservation Practice.

Reason: In order to ensure that the proposed development respects the architectural character of this protected structure, is visually acceptable within its surroundings, and that all works are carried out in accordance with best conservation practice.

3. The restaurant/café shall operate between 0800 hours and 2200 hours only on any day.

Reason: In the interest of protecting the residential amenity of properties in the vicinity.

4. The ground floor of the premises shall be used as a sit-down restaurant/café exclusively and there shall be no sale of hot food for consumption off the premises.

Reason: To protect the amenity of the area.

5. Details of all external signage proposed on the building and on the front boundary wall and gates (as modified by condition number 2(e) of this permission) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the visual amenities of the area.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage agreed with the planning authority under condition number 5 of this permission, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

7. The rear yard shall not be accessible to the public.

Reason: in the interest of residential amenity.

8. 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. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority, to a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste, and in particular, recyclable materials, in interest of protecting the environment.

10. 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.

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

Dated this day of 2016.