

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 4294/15**

An Bord Pleanála Reference Number: PL 29N.246320

**APPEAL** by Pearce Gallagher of 7 Talbot Court, Castleknock, Dublin against the decision made on the 23<sup>rd</sup> day of February, 2016 by Dublin City Council to grant subject to conditions a permission to PIM Investments Limited care of Manahan Planners of 38 Dawson Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The conversion of a three storey (including basement) building extending to 843 square metres, previously in education use but now vacant at corner of 40-41 Sean MacDermott Street Lower and Rutland Street Lower, Dublin to use as nine number residential dwelling units. There would be five number one bed dwellings and four number two bed dwelling units. The conversion also involves works for the construction of a mezzanine level to allow for two bedrooms within the roof area and the creation of two dormer windows behind the parapet, the removal of a single storey toilet block addition to the rear of the building and an external steel staircase, and works to the rear courtyard to create a communal amenity garden open space. External alterations are limited to external repair and reinstatement works, alteration and widening of rear windows and a partial horizontal extension of the roof at the Sean MacDermott Street Lower corner. Bicycle and bin storage facilities to be provided to the rear.

## **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 “Z5” zoning objective for the site, to the pattern of development in the area and to the proposed internal layout, 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 Dublin City Development Plan 2011-2017, would not adversely impact on the character of the building or streetscape and would not seriously injure the amenities of properties in the vicinity. 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 in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) the bin storage area shall be relocated to the north-eastern corner of the communal open space,
  - (b) an outdoor platform lift between basement and ground level shall be installed to the south of the communal pedestrian access onto Rutland Street Lower,

- (c) no access shall be provided from the platform lift to the open space in front of the apartments at basement level to the front of the building,
- (d) the front open space at basement level shall be used for private open space of the basement apartments only,
- (e) the window to the living room of Apartment number 1 shall be replaced with a door to provide access to the open space to the front,
- (f) 1.8 metre high opaque screens shall be placed at the boundaries between Apartment number 2 and adjoining apartments at basement level to the front, and
- (g) the external staircase to Apartment number 3 from Sean McDermott Street to basement level shall be only accessible to Apartment number 3.

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 interests of residential amenity and to facilitate movement of refuse bins to the public street.

3. The proposed dormer windows on the front roof slope onto Rutland Street shall be clad in slates/tiles to match the existing roof.

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

4. The windows to all W.C.'s shall be permanently glazed with obscure glass.

**Reason:** In the interests of privacy and amenity.

5. 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.

6. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the planning application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December, 2004. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

8. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, open spaces, landscaping, lighting, cycle parking, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the accommodation is made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of amenity and orderly development.

9. Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. The landscaping scheme shown on the proposed courtyard landscaping plan drawing number DRG-015, as submitted to the planning authority on the 21<sup>st</sup> day of December, 2015 shall be carried out within the first planting season following first occupation of the proposed development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas C Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 the Board 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

13. 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 the 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. The application of any indexation required by this condition 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.

**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.**