

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: WEB 1147/16

An Bord Pleanála Reference Number: PL 29S.246826

APPEAL by Sandra Lawler and Barry Cramer and others care of Diarmuid Ó Grada of 16 Louvain, Roebuck Road, Dublin and by Philip O'Reilly on behalf of the Rathgar Residents Association of P.O. Box number 9574, Dublin against the decision made on the 7th day of June, 2016 by Dublin City Council to grant subject to conditions a permission to Jonathan Ford care of John P. Masterson of 5 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Alterations, extensions and refurbishment, to include demolition of existing substandard extensions and structures at the side and rear and construction of a new extension, part single storey, part two-storey to the side and to the rear together with reinstatement of the original front boundary with period railings and gates and restoration of the original front elevation and its brick façade, all at 1 Garville Road, Rathgar, 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 nature, scale and design of the proposed development, and to the pattern of development in the area, including recent development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not be inconsistent with the character of the residential conservation area and would be acceptable in term of traffic and pedestrian safety. 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 amended as follows:-
 - (a) The two upper glass panes to the stairs window in the eastern elevation of the extension (facing the courtyard) shall be permanently glazed with obscure glass.
 - (b) The two upper glass panes to the landing area/void in the western elevation of the extension (facing the western site boundary) shall be permanently glazed with obscure glass.

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 protecting the residential amenities of adjoining property.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority the following items:

- (a) Details of the railings to be installed along the front boundary to the site, and
- (b) the methodology for the restoration of the brickwork to the front elevation of the existing building on the site.

Reason: To ensure an appropriate standard of development, and in the interest of visual amenity.

4. All works to the interior of the existing building, and all conservation works to the exterior, including roof and fenestration, shall be carried out under the supervision of a suitably qualified Historic Building Fabric Consultant/Accredited Conservation Architect, who shall certify to the planning authority upon completion that the permitted works have been carried out in accordance with good conservation practice.

Reason: In order to ensure that the proposed works are carried out in accordance with good conservation practice.

5. Details of the external finishes of the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. The following requirements of the planning authority shall be complied with:
- (a) The lampstand in the public footpath adjacent to the front boundary of the site shall be retained in situ.
 - (b) The public footpath shall be dishd to correspond with the proposed vehicular entrance.
 - (c) The proposed gates shall open inwards only.

Reason: In the interest of visual amenity and traffic safety.

8. 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.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. 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: To restrict the use of the extension in the interest of residential amenity.

11. 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.