

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3105/16

An Bord Pleanála Reference Number: PL 29S.247170

APPEAL by Mary Murnaghan of 21 Palmerston Lane, Rathmines, Dublin and by others against the decision made on the 5th day of August, 2016 by Dublin City Council in relation to an application by Miracove Limited care of Boyd Cody Architects Limited of 36 College Green, Dublin for permission for development comprising:-

the refurbishment, extension and internal alterations to the existing three number storey semi detached house at 20 Palmerston Park, Rathmines (a protected structure) consisting of the demolition of the existing two-storey side extension (not original) and the construction of a new part two-storey part single-storey extension, to the side and rear of the existing property. Internal alterations to the existing house include the following:- removal locally of some internal partition walls and ground floor slab., formation of one number new opening between two number main reception rooms, upper ground floor, gable wall, form one number new and one number modified opening, upper ground floor and one number new opening, lower ground floor. Provision of new opening in rm-0-06, lower ground floor. Reinstatement of the main stairs between lower and upper ground floors. Provision of ensuite bathroom and dressing room to master bedroom at first floor. Removal of existing toilet and provision of two number bathrooms on lower ground floor with associated rewiring, re-plumbing and redecoration throughout. Rear elevation, lower ground floor, modification of two number existing openings and provision of two number pairs of French doors, break out wall below central opening, provide new up and down sash window. Upper ground floor, modification of two number window openings to form one number enlarged opening and

provision of a new up and down sash window with two number side lights to match existing window opposite. Removal of existing external metal stairs to rear elevation and provision of a new up and down sash window in existing opening. Enlarge existing rooflight to rm-2-03. Alterations to the existing front entrance gate and railings to make provision for two number off-street parking spaces, solar panel on roof, soakaway and associated hard and soft landscaping in the front and rear of the property. The demolition of the existing two-storey detached mews at 20 Palmerston Lane, Rathmines, Dublin and the construction of two number three-storey, semi-detached mews houses, being two number storeys fronting onto Palmerston Lane and two number storeys over semi basement level to the rear. Provision of one number off-street parking space for each dwelling, external landscaping and stone boundary walls, all at 20 Palmerston Park, Rathmines, Dublin and 20 Palmerston Lane, Rathmines, Dublin and in accordance with the plans and particulars lodged with the said Council;

(which decision was to grant subject to conditions a permission for the refurbishment, extension and internal alterations to number 20 Palmerston Park, to include the demolition of the existing two-storey side extension and the construction of a new part two-storey, part single-storey extension to the side and rear of the existing property, and the demolition of the existing two-storey detached mews at number 20 Palmerston Lane and the construction of two number mews houses and to refuse permission for alterations to the existing front entrance gate and railings to make provision for two number off-street parking spaces and a 2.6 metres wide vehicular entrance.

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

In relation to the existing protected structure number 20 Palmerston Park, having regard to the Objective Z2 Residential Conservation Area zoning objective for the area, to the design of the proposed development, to the extent of works proposed and impact on original fabric of the building, to the planning history of the overall site and of the area, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development, including the side extension proposed and the off-street car-parking, would not seriously injure the amenities of the area or of property in the vicinity and would not have a significant adverse effect on the character or setting of the protected structure at number 20 Palmerston Park (or other protected structures nearby), or on the residential conservation area.

In relation to the proposed Mews houses, having regard to the Objective Z2 Residential Conservation Area zoning objective for the area, to the size of the site and extent of existing mews development, to the planning history of the overall site and of the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed demolition of the existing mews house and its replacement with two mews houses would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not have a significant adverse effect on the character or setting of the protected structure at number 20 Palmerston Park (or other protected structures nearby), or on the residential conservation area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the side extension, the Board was satisfied that the proposed side extension would be an acceptable replacement of the existing conservatory to the side of the main dwelling, would be attractive in terms of form and materials, and would not impinge to a significant degree on the visual amenity of the streetscape in this conservation area, or on the character or setting of the protected structure (or other protected structures nearby). This was also the position taken by the conservation officer of the planning authority. The Board did not consider that the existing non-original conservatory extension was of such character or quality that it should be retained.

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 following shall be complied with in the development:
 - (a) A Grade I Conservation Architect shall be employed to manage, monitor and implement the works on number 20 Palmerston Park and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
 - (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
 - (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment. The internal subdivision of Room number 2 – 01 shall be carried out so that existing cornice and dado rail is not interfered with or removed.

- (d) full details of the proposed damp proofing/mechanical and electrical services/insulation and replacement windows shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. The width of the proposed vehicular access to number 20 Palmerston Park shall be a maximum of 2.6 metres. The extent of hard landscaping shall be minimised and space for the parking of a maximum of two cars shall be provided. Existing front railings shall be used in the new vehicular gates. Revised proposals showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect visual amenities and the character of this residential conservation area.

4. Prior to the commencement of development, a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include details of all existing trees and hedgerows on the site, identify those for retention as well as measures for their protection during construction works. The site shall be landscaped in accordance with the agreed scheme which shall include a timescale for implementation.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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 car parking spaces serving the permitted mews dwellings shall be kept free from obstruction at all times for use by the occupiers of the dwellings and shall not be separated by sale or lease from the permitted mews dwellings. Gates to the integrated car parking areas shall not open outwards or otherwise obstruct the mews laneway.

Reason: To ensure the provision of adequate off-street parking to serve the proposed development.

8. Details of the materials, colours and textures of all the external finishes to the proposed mews dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed mews dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

10. Proposals for a house numbering scheme for the mews houses, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

12. 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 interest of public safety and residential amenity.

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 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 2017.