

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017 Dublin City

Planning Register Reference Number: 3663/16

An Bord Pleanála Reference Number: PL 29S.248030

APPEAL by Peter Rooney care of Lawrence and Long of 23 Mespil Road, Dublin against the decision made on the 23rd day of January, 2017 by Dublin City Council to grant subject to conditions a permission to Robert Redmond care of PA Architects of Suite 141, The Capel Building, Mary's Abbey, Dublin in accordance with plans and particulars lodged with the said Council:

PROPOSED DEVELOPMENT: Construction of mews dwelling to site (0.06 acres/258 square metres) consisting of a two-storey over basement four bedroom detached dwelling, total area 198 square metres with off-street parking, new vehicular and pedestrian access and all associated site works, all at 7 Heytesbury Lane (to rear of 7 Wellington Road, which is a protected structure), Ballsbridge, 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 pattern of development in the vicinity, the planning history of the subject site and adjoining mews development, and the nature, scale and design of the proposed mews house, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, or of future occupants of the new house, would not unduly detract from the setting of neighbouring protected structures, would represent an appropriate form of mews development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular safety. 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, the Board was of the view that it was not practicable, in the light of the information submitted by the applicant regarding ownership, to require a larger rear garden to number 7 Wellington Road and a smaller garden for the subject property, and noted the variety of subdivisions within the vicinity, some of which were similar to that proposed in this instance. The Board was also satisfied that, with the omission of the rear projecting balcony feature as required by condition number 2 of its Order, the proposed development would not seriously injure the residential amenities of adjoining property. Furthermore, the Board considered that, by reason of its reduced scale, smaller basement area and improved design, the proposed development would be materially different to the previous proposal for development on the site that was the subject of the An Bord Pleanála refusal under An Bord Pleanála appeal reference number PL 29S.239499 in 2012.

CONDITIONS

1. The proposed 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 20th day of December 2016, 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 proposed two-storey projection to the rear of the proposed house, comprising the balcony at first floor level and the extended lounge area at ground floor level, shall be completely omitted. The rear elevation of the house at ground floor level may be fully glazed, while the rear elevation at first floor level shall consist solely of two windows, each of the same dimensions as that indicated for the study, and
 - (b) the proposed rear wall of the garden, which will separate the subject site from that of the rear garden of number 7 Wellington Road, shall be 1.8 metres in height, and shall be finished in stone to match the existing side walls of the garden.

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. 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 the proposed dwelling 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 dwelling and to protect the residential amenities of adjoining properties.

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

Reason: In the interest of visual amenity.

5. The existing front boundary wall onto Heytesbury Lane shall be retained, except at the location of the vehicular and pedestrian accesses. Any damage to the wall during construction shall be repaired, using stone of the same colour and texture.

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: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 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.

8. 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, off-site disposal of construction/demolition waste, details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; and provision for car parking facilities for site workers during the course of construction.

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

9. 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.