



An
Bord
Pleanála

Board Order

PL 29S.248310

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4036/16

Appeal by Pat Whyte and Niall MacDonagh and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 14th day of March, 2017 by Dublin City Council to grant subject to conditions a permission to Chesway Limited care of Grainne Weber Architects of 24A Mellifont Avenue, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Conversion of an existing institutional building into a 40 bedroom guesthouse with guest facilities and associated services. The proposed development consists of a new single storey extension to the front and side; a first floor extension over the existing single storey extension; demolition of existing modern stair enclosure to the rear and construction of replacement stair core linked to existing building at first and second floor levels; demolition of existing store to side; internal alterations to accommodate guest facilities, bedrooms and en-suites and associated services, fire upgrades and improved accessibility; repairs to the existing building fabric including façade, roof and windows and associated site works and landscaping at 22 Harcourt Terrace, Dublin, a Protected Structure.

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: -

- (a) the inclusion of the existing building on the record of protected structures,
- (b) the Dublin City Development Plan, 2016-2022, according to which the site location is within an area subject to the zoning objective Z2: “to protect and/or improve the amenities of conservation areas” and the provisions under section 14.5 whereby by to ensure the long term viability of a protected structure, relaxation, in certain limited cases, of the city wide zoning restrictions may be appropriate provided that the protected structure is restored to the highest standard, the special interest, character and setting is protected and the use is consistent with conservation principles and practice and the proper planning and sustainable development of the area,
- (c) the nature and intensity of the proposed use for which the existing building is to be adapted and the extent and methodology for the proposed interventions, repairs and extensions to be implemented, and

(d) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the integrity, character and visual amenities and setting of the existing building, a Protected Structure, would not seriously injure the architectural character, visual amenities and residential amenities of the Residential Conservation Area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and particulars lodged with the planning authority on the 16th day of February, 2017 and by the plans and particulars received by An Bord Pleanála on the 8th day of May, 2017, except as may otherwise be required 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 use of the dining area and library bar shall be confined to use by residents only and shall not be accessible to the public unless a prior grant of planning permission has been obtained.

Reason: In the interests of clarity and the residential amenities of the area.

3. The proposed development shall be carried out under the supervision of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2005.

Reason: To ensure appropriate building conservation practice, in the interest of the protection of the integrity of the structure.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

5. Details of the materials, colours and textures of all the external finishes for all new proposed build, inclusive of samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include detailed drawings of the stairwell including a greater level of brick detailing and detail on the glazing.

Reason: In the interest of the visual amenities of the area.

6. Details of hard and soft landscaping within the perimeter of the site including all materials and finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interests of visual and residential amenities of the area.

7. Eight car parking spaces shall be provided within the site curtilage the use of which shall be confined to use by residents and staff. The spaces shall not be sublet to third parties. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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.

Reason: In the interest of public health.

9. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hours and 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interests of sustainable waste management.

11. A plan containing details for the management of waste including separation of recyclable materials within the development, facilities for the storage and arrangements for collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste.

12. 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 in respect of the retail unit only and 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 the proper application of the terms of the Scheme.

