



An
Bord
Pleanála

**Board Order
PL 29S.248502**

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council.

Planning Register Reference Number: 2350/17.

Appeal by Richard Hogan care of Kane Architecture of 6 Clarinda Park North, Dunlaoghaire, County Dublin against the decision made on the 24th day of April, 2017 by Dublin City Council to refuse permission to the said Richard Hogan for the proposed development.

Proposed Development: Demolition of existing lock-up shed, reduce height of existing front boundary wall to match adjacent wall height and the erection of a two-storey three-bedroom detached single family dwelling and associated on-site works on stand-alone site to rear of 124 Leinster Road, Rathmines, a protected structure and adjacent to 47 Grosvenor Place, Rathmines, 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 Z2 zoning designation of the Dublin City Development Plan 2016 - 2022, the existing character and setting of the Protected Structure at Number 124 Leinster Road and the design of the proposed development in the context of the overall pattern of development in the vicinity of the site, the Board considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the character and setting of the Protected Structure or the Residential Conservation Area residential and visual amenities and 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 had regard to the pattern of development in the vicinity of the site, particularly the fact that the Protected Structure and curtilage of Number 124 Leinster Road had already been significantly modified to provide for two additional units and that its rear garden had been sub-divided into four walled areas to provide amenity areas for those units and a separate site for an existing permitted lock-up structure on the appeal site. The Board therefore, considered that the proposed development would not detract from the existing character and setting of the Protected Structure and its residential amenities.

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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction of the house.

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

3. 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.

4. Details of the boundary treatment, including the front boundary modifications, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction of the house.

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

