



An
Bord
Pleanála

Board Order

PL 29S.248508

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2353/17

Appeal by Philip O'Reilly of 18 Grosvenor Place, Rathmines, Dublin against the decision made on the 24th day of April, 2017 by Dublin City Council to grant subject to conditions a permission to Jamie Moran care of ODKM Architects of 39 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of (a) the construction of a 190 square metre two-storey detached three bedroom dwelling, (b) the demolition and re-construction, with reused and salvaged granite, of the existing boundary wall to Kenilworth Lane East and Kenilworth Lane South, and the construction of a new salvaged granite boundary wall to the rear boundary of the garden, (c) the widening of the existing vehicular entrance gate on Kenilworth Lane East along with a new pedestrian gate, (d) the provision of two number off street car park spaces and (e) all associated site works, all on 0.0278 hectare site to the rear of 16A Kenilworth Road (a Protected Structure), on the corner of Kenilworth Lane East and Kenilworth Lane South, 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 location of the proposed development in a built up area and on a site zoned for residential purposes, the pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character or setting of the Protected Structure or the character or amenities of the Residential Conservation Area, would not detract from the visual or residential amenities of the area and 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 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. Prior to commencement of the development, a sample of the brick to be used on the external walls of the house, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

3. Prior to commencement of any development on the site, the developer shall submit, for written agreement with the planning authority, a method statement with relevant conservation expertise, detailing proposals for the dismantling of the boundary wall along the eastern and southern site boundaries and proposals for the appropriate salvage and re-use of salvaged stone in the construction of the new boundary walls on the site.

Reason: To ensure that elements of the boundary wall is preserved.

4. The driveway entrance shall not exceed 3.6 metres in width and shall not have outward opening gates.

Reason: In the interest of traffic safety.

5. Water supply and drainage arrangement, 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.

6. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Monday to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

7. Prior to commencement of the development, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall include details of intended construction practice, including proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

Reason: In the interests of amenities, public health and safety.

8. The developer shall pay to the planning authority a financial 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 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. 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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

