



An
Bord
Pleanála

Board Order
PL 29S.248534

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2428/17

Appeal by Paul Pollock care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin and by others against the decision made on the 2nd day of May, 2017 by Dublin City Council to grant subject to conditions a permission to Mary Carty care of MacDonald Vagge Architects of 15a Dunville Avenue, Ranelagh, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Provision of pedestrian access to rear garden. Access is requested from lane owned by and in charge to Dublin City Council, to the rear of 65, 66 and 67 Brighton Road and adjacent to 25 Saint Enda's Road, Terenure, Dublin. Permission is also sought to raise wall at end of lane by one metre to match height of adjacent properties on lane, all at 68 Brighton Road, 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 zoning objective Z2 – “to protect and/or improve the amenities of residential conservation areas”, to the character of the protected structure the subject of the application for permission, to the nature and detail of the works proposed and to the context of the works on the boundary wall terminating a mews lane accessed by a number of properties, the Board is satisfied that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would be consistent 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 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. This decision to grant permission is in respect of the raising of the southern boundary wall to the mews lane by approximately 1,000 millimetres, the provision of a pedestrian entrance gate of approximately 1,200 millimetres width and the provision of an access landing of approximately 3,000 millimetres by 2,000 millimetres (not exceeding the finished level of the adjacent mews lane) and access staircase of approximately 1,400 millimetres by 1,800 millimetres within the site. No other alterations to the finished levels of the rear garden to number 68 Brighton Road shall be authorised on foot of this decision.

Reason: In the interest of clarity.

3. The wall shall be of random granite rubble construction to match that of the existing wall.

Reason: In the interest of visual amenity.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (a) the nature and location of archaeological material on the site, and
- (b) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 5. During construction and demolition phase the development shall comply with British Standard 5228 'Noise Control on Construction and Open Sites Part 1, Code of Practice for Basic Information and Procedures for Noise Control'.

Reason: In the interest of residential amenity.

- 6. Site development and building works shall be carried out only between the

