



An  
Bord  
Pleanála

**Board Order**  
**PL 29S.248772**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2623/17**

**Appeal** by John Brady of 3 Charleville Road, Rathmines, Dublin against the decision made on the 29<sup>th</sup> day of May, 2017 by Dublin City Council to grant subject to conditions a permission to Liam Lenehan and Josta Limited care of DMVF Architects of 276-278 Rathmines Road Lower, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Modifications to previously granted permission, planning register reference number 3215/16, consisting of: an increase in the site boundary to include number 6 Rathgar Road and a fire escape corridor from the rear yard of numbers 7-9 Rathgar Road, the omission of the previously permitted proposed new entrance door to Rathgar Road, omission of the previously permitted rooflights, omission of the previously permitted stairwell demolition and relocation of the stairs, works to the shopfront and façade of numbers 7-9 Rathgar Road to include signage, lighting, an entrance awning and modifications to glazing to include opening sections, creation of a terrace at first floor level over number 6 Rathgar Road, works to the perimeter walls of this proposed terrace including replacing the front brickwork wall with a higher brickwork wall, provision of new gazed doors to the proposed new terrace from the first floor dining area, raising a section of the single storey flat roof to the centre of the building, to provide a double height space

over the ground floor kitchen, raising the level of the rear yard for use as a terrace and works to its perimeter walls, creation of a glazed opening to this proposed terrace, associated internal alterations, ancillary and site works at numbers 6-9 Rathgar Road, 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 location of the site within the Key District Centre of Rathmines, the Z4 zoning objective of the site, the planning history on the site, the pattern of development in the area and given 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 be in keeping with the character of the area and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development 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 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:

The brickwork at first floor level over number 6 Rathgar Road shall be replaced with brick to match, in so far as is possible, the existing brick at first floor level at numbers 7-9 Rathgar Road. The brickwork at first floor level at numbers 6-9 shall not be painted. Revised drawings showing compliance with these requirements, including samples of the brick to be used, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 26<sup>th</sup> day of September, 2016 under planning register reference number 3215/16, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The proposed shopfronts shall be in accordance with the following requirements:
  - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
  - (b) No additional awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
  - (c) External roller shutters shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
  - (d) No adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further 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 building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                          2017**