



An
Bord
Pleanála

Board Order PL 29N.248816

0Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4200/16

Appeal by Emer Brennan care of CK Architecture of 12a Kennelsfort Road Lower, Palmerstown, Dublin against the decision made on the 7th day of June, 2017 by Dublin City Council to grant subject to conditions a permission to Niall Duffy care of Denis Byrne Architects of 26 North Great George's Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Re-development, including change of use of the existing two-storey and single storey mews buildings facing on to Kelly's Row (to rear of 17 and 18 Gardiner Street Upper, Number 18 is a Protected Structure), to provide 10 number additional bedrooms (two number wheelchair accessible), in a new two-storey mews building, for the existing Bed and Breakfast establishment at Number 17 Gardiner Street Upper. The mews building will be accessed via the rear garden of Number 17 and from Kelly's Row. The existing uses are shed (rear of Number 17) and empty former builders store (rear of Number 18), all on a site facing on to Kelly's Row (to rear of 17 and 18 Gardiner Street Upper, Number 18 is a Protected Structure), 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, nature and scale of the proposed development, and the existing pattern of development in the vicinity, including the existing Bed and Breakfast facility at Number 17 Gardiner Street Upper, and the city centre location, 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 neighbouring Protected Structures or the Mountjoy Square Architectural Conservation Area, would not seriously injure the residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety. 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, as amended by further particulars submitted on the 11th day of May 2017, 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:
 - (a) The minimum cill height for the first floor rear elevation windows serving bedroom 5, as shown on Drawing Numbers 4.02 and 3.01 (Section B-B) shall be no less than 1.8 metres above the internal floor level for this bedroom;
 - (b) The windows serving bedrooms 9 and 10, as shown on Drawing Numbers 4.02 and 3.01 (Section A-A) shall be top hung only.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The permitted development shall form part of the bed and breakfast facility at Number 17 Gardiner Street Upper and all shared facilities in Number 17 shall be available to residents of the new facility. The building shall not be separated from Number 17 by sale or lease without the grant of a separate planning permission. The access from Kelly's Row shall be used only as a secondary entrance/emergency escape and as a right-of-way to Number 18.

Reason: To protect the amenities of property in the vicinity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external finish to Kelly's Row shall consist of a high quality and durable material, such as brick.

Reason: In the interest of the visual amenities of the area, including the Mountjoy Square Architectural Conservation Area.

5. 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 and to ensure a proper standard of development.

6. 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 of the area.

7. The site development works and construction and demolition 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.

8. Site development and building works shall be carried out between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. 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 interest of sustainable waste management.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 and, in particular recyclable materials, in the interest of protecting the environment.

11. 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 paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Project, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

