



An
Bord
Pleanála

Board Order

PL 29S.248936

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2876/17

Appeal by Donald and Isabel Fitzmaurice care of Coda Architects Limited of 1 Swanville Place, Dublin against the decision made on the 28th day of June, 2017 by Dublin City Council to grant subject to conditions a permission to Brian O'Driscoll and Amy Huberman care of Taylor Owens Architects of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to previous approved permission planning register reference number 2771/11 (extended to 10th December 2021 on foot of planning register reference number 2771/11/x1). Approved works are as follows: (a) restoration of house to a single family residence; (b) general façade restoration; (c) demolition of the modern return; (d) removal of PVC windows; (e) restoration and extension of the main roof; (e) removal of two rendered walls to ground level of original return; (f) removal of end wall of original return and extension of the upper three storeys of the original return to provide wc/butler's pantry at upper ground level; (g) family bathroom at first floor level and additional bedroom at the upper mezzanine level; (h) restoration of stone work at ground level; (i) proposed single storey extension to the side and rear with roof lights; (j) closing up and infill of a window and door to the side at ground level; (k) excavate ground floor and provide a new floor with insulation/damp proofing and chemical damp proofing to walls; (l) removal of double gates to side garden and reinstatement of wall; (m) new stone faced garden shed to rear garden and (n) landscaping to front and rear garden and

all associated site works. The alterations proposed in this application are as follows: (1) remove three walls to rear return at lower ground floor level and the construction of a revised single storey extension with roof lights to the side and rear of the existing dwelling to include kitchen/dining, playroom and entrance hall; (2) omit approved extension of upper three storeys of the original return and construction of a new three storey extension to rear (including lower ground floor kitchen/dining extension) to replace existing two storey modern extension consisting of study at ground floor level, en-suite bedroom at first floor level with bathroom at second floor of existing return with new roof light; (3) reconfiguration of approved lower ground floor level to provide laundry/store, pantry, coms room and en-suite bedroom; (4) close up non-original window in side elevation to Ormond Road; (5) reconfiguration of approved en-suite to master bedroom and conversion of front floor bedroom to dressing room/linen store at first floor level; (6) omit construction of stone faced modern block wall garden shed to rear garden; (7) demolition of existing garden shed to side of dwelling; (8) reconfiguration of front wall and existing pedestrian gate to form double gates to provide off street parking and vehicle manoeuvring area (previously approved under planning register reference number 5559/07 (extended to 22nd February on foot of planning register reference number 5559/07/x1)) and (9) all associated ancillary works to facilitate the development, all at 66 Palmerston Road, Rathmines, Dublin (Protected Structure), which is a corner site with Ormond Road.

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 objective for the area, the policies and objectives of the Dublin City Development Plan 2016-2022 and to the pattern of development in the immediate vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not have a negative impact on the character and setting of a protected structure or the conservation area and would not endanger public safety by reason of traffic hazard. 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 the further plans and particulars received by An Bord Pleanála on the 24th day of August 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 existing pay and display space along Palmerstown Road which will be removed to accommodate the proposed entrance shall be provided for along Ormond Road. Prior to commencement of development, the developer shall contact the area traffic engineer in Dublin City Council regarding alterations to the pay and display scheme/line markings. All works shall be carried out at the developer's own expense.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall provide for the following: -
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.
 - (c) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

6. 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.

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

Dated this day of 2018