



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3077/17

APPEAL by Michael and Rosemary Lyons of 9 York Avenue, Rathmines, Dublin and by others against the decision made on the 12th day of October, 2017 by Dublin City Council to grant subject to conditions a permission to Anne Neary and Conor Farren care of Coda Architects Limited of 1 Swanville Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of non-original garden pavilion and construction of a new two-storey detached three-bedroom mews house (195 square metres) with first floor roof terrace (7.5 square metres) enclosed by a 1.8 metre high opaque screen using the existing off street parking and vehicular access off Rathgar Place, and associated site works on a 0.0399 hectare site to the rear, all at rear of 173 Rathgar Road (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 provisions of the Dublin City Development Plan 2016-2022, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would support the achievement of an increase in density within the existing built footprint of the city and thereby increase the use and benefit from existing assets, such as public transport and social infrastructure, which is an aim of the settlement strategy of the Plan, would not impact on the special interest of the protected structures or adversely affect the residential conservation area, would not seriously injure the residential amenities of the area, 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 as amended by the further plans and particulars submitted to the planning authority on the 15th day of September, 2017 and by the further plans and particulars received by An Bord Pleanála on the 11th day of December, 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 gates to the property from Rathgar Place shall be retained or replaced. Details of the proposed replacement gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

3. Prior to the commencement of development, details of the treatment of the stub of wall and the gate to be erected in the line of the former wall shall be submitted to, and agreed in writing with, the planning authority. These details shall include retention of the wall to its current maximum northwards extent from the coach house and restoration of the wall to its full height, and the omission of the proposed canopy feature at the entrance gateway.

Reason: In the interest of preserving the integrity of the protected structure.

4. The west facing window in the main bedroom, bedroom number 1, shall be reduced in width to the three central panels (that is 1.7 metres in width), to achieve a better reflection of the fenestration of the coach house.

Reason: In the interests of orderly development and the visual amenities of the area.

5. Prior to the commencement of development, details of the materials, colours and textures of all external finishes, including samples, to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

6. 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.

7. 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management and noise management measures, number and size of vehicles accessing the site and disposal of demolition/construction waste.

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

9. Naming and numbering of the dwelling shall be in accordance with a scheme which should be submitted to, and agreed in writing with, the planning authority prior to occupation.

Reason: In the interest of orderly street numbering and urban legibility.

10. 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.

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

Dated this day of 2018.