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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3810/17**

**Appeal** by The Pembroke Road Association of 57 Pembroke Lane, off Raglan Road, Dublin against the decision made on the 1<sup>st</sup> day of November, 2017 by Dublin City Council to grant, subject to conditions, permission to Michael Holland care of Noonan Moran Architecture of 2<sup>nd</sup> Floor, 139 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A new front boundary wall including the relocation of the previously approved vehicular and pedestrian entrances (granted under planning register reference number 3334/15, An Bord Pleanála appeal reference number PL 29S.245618). A two-storey detached structure (44.41 square metres) comprising a garden store and study located in the northwest corner of number 65 Pembroke Lane, together with a single storey detached store (6.4 square metres) located behind the front boundary wall, site clearance and ancillary site and landscaping works all at 65/67 Pembroke Lane, Ballsbridge, 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 planning history of the site and to the character of the area and having regard to the limited nature, scale and design of the proposed development and its interrelationship with development previously permitted on the subject lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring property, would not unduly detract from the setting of the protected structures on Pembroke Road, would represent an appropriate form of mews development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular 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, 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the overall site without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the permitted dwelling and to protect the residential amenities of adjoining properties.

3. The proposed study/guest space shall be used entirely as an incidental use to the main permitted dwelling at number 67 Pembroke Lane. It shall not be sold or let separately without a prior grant of planning permission.

**Reason:** To clarify the extent of the development.

4. The proposed limestone surround around the proposed vehicular and pedestrian entrance, as shown on drawing number PL-004 shall be omitted and replaced with randomly coursed natural stone cladding with granite capping as permitted under An Bord Pleanála appeal reference number PL 29S.245618 for the boundary wall at number 67 Pembroke Lane.

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

5. 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:** To ensure adequate servicing of the development, and to prevent pollution.

6. The proposed vehicular and pedestrian entrance gates shall be so designed that they are incapable of opening outwards.

**Reason:** In the interest of pedestrian and traffic safety.

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

8. 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.

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**Philip Jones**

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

**Dated this            day of            2018.**