



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3496/17

Appeal by Louis Burke and Emer O'Shaughnessy care of Louis Burke Architects of The Studio, 33A Wasdale Park, Terenure, Dublin and by Maurice O'Farrell care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 13th day of November, 2017 by Dublin City Council to grant subject to conditions a permission to the said Louis Burke and Emer O'Shaughnessy in accordance with plans and particulars lodged with the said Council.

Proposed Development: Removal of the chimney stack to the kitchen area, rearrangement of the partition layout at both ground and first floor level and the relocation of the stair flight to the high level bathroom. New roof slates, a new conservation standard replacement roof light and new lead to the valley. The conservatory and single storey extension to the rear is to be demolished to facilitate the construction of a new 50 square metre single storey kitchen and breakfast room extension and a 10.5 square metre bathroom extension over accessed from the staircase half landing between ground and first floor level. Proposals also include the removal of the existing shed structures to the rear to facilitate the construction of a new 30 square metre single storey

garage/store accessed from the service laneway at 52 Moyne Road, Ranelagh, Dublin a Protected Structure.

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 nature and scale of the proposed development, to the pattern of development in the vicinity, and to the Zone Z2 'Residential Neighbourhoods (Conservation Areas)' land-use zoning objective for the area, as set out in the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the character or setting of protected structures, and would be in accordance with the policies and objectives of the Development Plan, to the Z2 land-use zoning objective. 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 on the 17th day of October 2017, and by the further plans and particulars received by An Bord Pleanála on the 13th day of April, 2018, 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 applicant shall comply fully with the following conservation requirements of the planning authority:
 - (a) All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise and 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 (October, 2011) and the Advice for Owners Series issued by the Department of Culture, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ including structural elements.
 - (b) The proposed removal of the chimney breast shall be omitted.
 - (c) The proposed first floor extension building shall be omitted.

- (d) Prior to commencement of development the architect shall provide details and engage in consultation with the Conservation Officer to obtain prior approval for works to the historic building fabric of the protected structure to include demolitions, replacement windows, plasterwork conservation, insulation and damp proof treatments.

Reason: To safeguard the special architectural interest of the protected structure and to ensure proper attention to conservation issues during the course of the works.

3. The development shall comply with the following requirements:

A Conservation expert shall be employed to manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric and shall be carried out as per the submitted Conservation Methodology.

Reason: To ensure that the integrity of the Protected Structure is maintained and that all works are carried out in accordance with best conservation practice.

4. The proposed shed at the rear laneway shall be provided with a pedestrian entrance only.

Reason: To reduce the level of vehicular traffic along the laneway which is unsuitable for vehicular traffic.

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: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 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.

7. 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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.