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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4278/17**

**Appeal** by Shane Johnson care of Tyndall Architecture and Design of 2 Montague Street, Dublin and by Maureen and Andrew Bushe care of Peter White Associates Architects of 34 Belgrave Square, Rathmines, Dublin against the decision made on the 11<sup>th</sup> day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Shane and Miriam Finnegan care of EML Architects Limited of 63 Fitzwilliam Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a two-storey mews house at the rear, access via existing archway entrance from Kenilworth Lane which is to be retained, one number off-street car parking space off Kenilworth Lane, roof to have two number velux windows and PV panels; proposed rear garden and courtyard front garden and all associated landscaping and ancillary site works at the rear of number 8 Kenilworth Square North, Rathgar, Dublin (a protected structure) onto Kenilworth Lane.

## **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 residential zoning objective for the area and the pattern of development in the vicinity including the development of mews dwellings on contiguous sites, 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 be prejudicial to public health 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 planning application, as amended by the further plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> day of February, 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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details on how it is proposed to protect and maintain the granite rubble stone wall which runs along the common boundary between numbers 8 and 9 Kenilworth Square North.

**Reason:** In the interest of architectural heritage.

3. 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.

4. Any works to the protected structure including boundary walls shall be carried out with the input of specialist expertise in the form of a conservation architect and shall be carried out in accordance with the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, October, 2011 and any other advice issued by the Department of Culture, Heritage and the Gaeltacht.

**Reason:** To safeguard the special architectural interest of the protected structure.

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

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

6. The mews dwelling shall be used as a single dwelling unit only.

**Reason:** To ensure that the development will not be out of character with existing residential development in the area.

7. No part of the development shall overhang or otherwise physically impinge upon any adjoining property without the written agreement of the owners thereof. Failing such an agreement, the proposed development shall be reduced in extent only insofar as necessary to ensure that it is located entirely clear of adjoining property.

**Reason:** To ensure a satisfactory standard of development.

8. The vehicular entrance shall not have outward opening gates.

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

9. 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 noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

11. Prior to commencement of development, proposals for the name and numbering of the proposed dwelling and associated signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

12. 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 the 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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**Paul Hyde**

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

**Dated this            day of            2018.**