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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4188/17**

**Appeal** by Tony Vincent and Vivienne Nulty care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 5<sup>th</sup> day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Jim and Fran Sheridan care of Mahoney Architecture of 42 Arran Street East, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey, two-bedroom dwelling comprising 112 square metres of living accommodation located to the rear of the existing property, with pedestrian access off Saint Mary's Lane. The site area of the proposed dwelling will be 159.5 square metres and will include 47.5 square metres private open space. The development will also include an amendment to the location of the north boundary garden wall (unbuilt) as approved in Grant Order P2635. Ancillary site works will include removal of trees and shrubs, new landscaping and a new stone boundary wall to form the boundary between the existing garden and the new dwelling as well as formation of kerb and minor adjustments to road markings for on-street

parking bays on Saint Mary's Lane all at 18 Saint Mary's Road South, Dublin (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 residential zoning objective for the area and the pattern of development in the area, 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 have an adverse impact on the character or setting of a protected structure or the character of the residential conservation 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, 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 height of the permitted dwelling shall be a maximum of 100 millimetres higher than the parapet level of the adjoining dwelling to the north where it adjoins the boundary with the application site.

**Reason:** In the interest of clarity and to minimise the impact on the residential amenity of the adjoining dwelling.

3. Details of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and the protection of the amenity of this conservation area.

4. Water supply and drainage arrangements, including the 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. All historic fabric from the existing boundary walls shall be retained within the proposed development. Repairs/repointing shall be executed by an experienced stonemason with conservation expertise in accordance with best conservation practice and the Department of Arts, Heritage and the Gaeltacht Advice Series, and designed and supervised by an architect with appropriate conservation expertise.

**Reason:** In order to maintain the integrity of the protected structure and to ensure that all works are carried out in accordance with best conservation practice.

6. 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 and off-site disposal of construction/demolition waste.

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

7. Details of the alterations to the pay and display parking layout and associated markings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All agreed works shall be undertaken at the expense of the developer.

**Reason:** In order to ensure a satisfactory standard of development.

8. Site development and building works shall be carried only out 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.

9. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development.

**Reason:** In the interest of 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.

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

**Dated this            day of            2018.**