



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4237/17

Appeal by Callie and Aidan Gleeson care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin and by others against the decision made on the 11th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Bartra Property Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the refurbishment and extension of each of the Protected Structures (currently in multi-unit occupancy of 14 number units in total) to facilitate their reinstatement to single family dwellings and will include: - the demolition of the existing two-storey return/two-storey extension to the rear of number 14 Dartry Road (circa 130 square metres) and the provision of a new two-storey over basement extension of circa 150 square metres; - the demolition of the existing three-storey over basement extension to the rear of number 15 Dartry Road (circa 80 square metres) and the provision of a basement extension of circa 8 square metres; - the demolition of the existing two-storey extension to the rear of number 16 Dartry Road (circa 173 square metres) and the provision of a new two-storey over basement extension of circa 153 square metres. The

development will include alterations to the internal layout of each of the Protected Structures; the lowering of the basement floors of each of the structures by between 180 millimetres and 380 millimetres; external improvement works to the facades including the repointing of existing brickwork and parapets, the replacement of PVC windows with sash windows and the refurbishment of existing timber sash windows; the reinstatement of private gardens incorporating two number off-street car parking spaces to the front of each of the reinstated dwellings and the provision of a vehicular access to each from Dartry Road (three number in total). The development also includes the demolition of the existing single storey dwellinghouse and associated garage structures (combined floor area of circa 128 square metres) on the lands to the rear of numbers 14-16 Dartry Road and the provision of three three-storey mews dwellings of circa 177 square metres each. Each mews dwelling will be served by one number car parking space and one number guest parking space (six number in total) and private amenity space ranging from circa 72 square metres to circa 87 square metres, with private balconies to the rear at first floor level. Vehicular access to these dwellings will be via the existing mews laneway adjacent to number 16 Dartry Road, which will be subject to upgrading and widening works to facilitate vehicular access/egress. The development will also include piped infrastructure and ducting; changes in level; site landscaping; one number photo-voltaic panel at roof level of each of the proposed mews dwellings (3 number in total); boundary treatments and all associated site development and excavation works above and below ground, all on a site of approximately 0.27 hectares, located at numbers 14-16 Dartry Road, Dublin (all Protected Structures), including lands to the rear and side.

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 design of the proposed development, to the scale and nature of proposed works and to the objectives and policies of the Dublin City Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would deliver significant positive benefits through the restoration and conservation of the protected structures including the restoration of the front gardens and public realm elements that are fronting onto Dartry Road. Furthermore, the Board considered that the mews dwellings, including Dwelling Number 3, would provide an acceptable level of residential amenity to future occupants. The Board considered that the proposed development would not seriously injure the visual and residential amenities of property in the vicinity of the proposed development or negatively impact the integrity, character and setting of the protected structures and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that the rear gardens of numbers 14, 15 and 16 Dartry Road were being reduced as part of the proposed development but considered that the separation distances between these houses and the three new mews dwellings was adequate to ensure that the scale, form and height of the three new dwellings did not adversely affect the character and setting of the protected structures. Furthermore, the Board considered that the overall quality of the design of the proposed development and the proposed restoration and conservation of the protected structures from thirteen residential units to three houses including the proposed modifications to the front of the property and the public realm on Dartry Road represented a significant planning gain in terms of architectural heritage.

In also deciding not to accept the Inspector's recommendation to refuse the development due to the lack of private open space to the rear of Dwelling Number 3, the Board considered that the proposed open space to the front and to the side of the dwelling was acceptable in this context as it would be adequately screened and enclosed by adjoining private open spaces so as to ensure privacy and amenity for the future occupants. The Board also concurred with the planning authority that the proposed visitor parking provision along the lane should be omitted by condition in order to facilitate access and egress for existing and future residents in the area but were satisfied that this was acceptable in this location where the proposed development was located within Parking Area 2 as identified within Map J which provided for a maximum of one space per dwelling in Table 16.1 in the Dublin City Development Plan, 2016-2022. Therefore, the Board did not consider that the proposed development constituted substandard overdevelopment of the site and substandard amenity potential. The Board considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area and would not be contrary to 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 lodged with the application except as may otherwise be required 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 proposed development shall be amended as follows:-
 - (a) the proposed three number visitor spaces associated with the mews houses on the laneway shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations set out in the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by The Department of Arts, Heritage and the Gaeltacht in 20011.

Reason: To ensure appropriate building conservation practice in the interest of the protection of the integrity of the structure.

4. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management and noise management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of clarity, and the protection of the residential amenities of the area.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

6. 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.

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations shall be carried out within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

9. Details of colours and textures of all the external finishes, inclusive of samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

10. Details of the proposed boundary treatment, including materials and finishes, and of hard and soft landscaping within the perimeter of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of the visual and residential amenities of the area.

11. Proposals for a house numbering scheme and associated signage for the proposed mews dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility for new residential areas.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13. 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.

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

Dated this day of 2018.