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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4273/17**

**Appeal** by Andrew Folan and Róisín Kennedy of 45 Lower Mountpleasant Avenue, Rathmines, Dublin against the decision made on the 9<sup>th</sup> day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Madeleine Moore and Oliver Comerford of 44 Mountpleasant Avenue Lower, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development comprising the (i) removal of existing non-original single-storey extension to rear and excavation to part of garden at rear lower ground floor level, (ii) construction of new single and part two-storey extension to rear, with rooflights, (iii) widened ope at lower ground floor proposed to link extension to main dwelling, (iv) reversion to single occupancy dwelling and associated restoration, conservation repair and refurbishment including, front railings and balustrade, (v) existing rooflights re-positioned and new dormer window in roof to rear, new conservation rooflights to front, (vi) removal of non-original windows and doors to front and rear and reinstatement of timber hardwood sliding sash windows, front door and doorcase, and door to lower ground floor, (vii) lowered cill to lower ground

floor window to front, (viii) internal modifications to the existing dwelling including removal of non-original partitions, non-original ceilings, widening of existing opes and creation of new partitions and staircase connecting raised to lower ground floor, (ix) landscaping to front and rear, SUDS drainage and all associated site development works and (x) associated work, conservation, repair and ancillary works, all on at site at 44, Mountpleasant Avenue Lower, 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 location of the site, to the scale and bulk of the proposed works, to the Z2 zoning of the site and to the policies and objectives set out in the Dublin City Development Plan 2016 - 2022, in particular section 16.10.12 which relates to residential extensions and Policy CHC2 which relates to Protected Structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure

the residential or visual amenities of the area and would not detract from the character or setting of the adjacent Protected Structure. 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.

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  - (1) The proposed dormer window in the rear elevation shall be omitted and replaced with rooflights on rear roof pitch.
  - (2) The scale and dimension of the basement level window on the front façade shall match the original opening. The cill shall not be lowered to ground level.

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 visual amenity.

3. Prior to commencement of development, the developer shall provide for the following:-
- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
  - (b) The submission of a structural engineer's report including the proposed underpinning of boundary walls, the structural interventions required and precautions necessary to avoid loss or damage to these walls, in line with best conservation practice.
  - (c) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Site development and building works shall be carried out between 0800 hours and 1900 Mondays to Fridays inclusive, between 0800 and 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.

5. 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.

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

**Dated this            day of            2018.**