



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2383/18

Appeal by Ruth Casey care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 18th day of April, 2018 by Dublin City Council to grant subject to conditions a permission to Sorcha Hanratty care of Extend Architectural Services Limited of 29 Dunville Avenue, Ranelagh, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Part demolition of the existing single storey garage and store to the rear of site. Construction of a new two-storey, two-bedroom mews dwelling, including one car parking space, all accessed off Chelmsford Lane, new services connections, new boundary wall and ancillary site works, all at site to the rear of number 76, Ranelagh Village (Protected Structure), Dublin.

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 and scale of the proposed development 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 residential amenities of property in the vicinity or the visual amenities of the area, would not seriously injure the setting of the Protected Structure or give rise to a traffic hazard. The proposed development 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 did not concur that there was an under-provision of private amenity space to the rear of the existing dwelling or inadequate separation distance between the existing and proposed developments. It also considered that a satisfactory level of residential amenity would be provided for the existing and proposed developments and excessive overlooking would not arise.

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 development shall comply with the following Conservation requirements of the planning authority.
 - (a) The alterations and works to the boundary wall shall be carried out under the on-site supervision of an architect with specialist conservation expertise, and shall be designed to cause minimum intervention to existing fabric.
 - (b) All works shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in-situ and shall be designed to cause minimum interference to the building structure and/or fabric.

- (c) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority drawings to scale 1:50 and details of the combined blank and glazed window panels and sample of the panel colour and proposed render colour, the proposed construction of the new garden wall between the protected structure and the new mews, 1:50 scale drawings and details and colour of the metal sliding gate.

Reason: To protect the character and integrity of this protected structure and to ensure the high quality required to complement the setting and character of the Protected Structure.

- 3. The development shall comply with the following requirements of the planning authority.
 - (a) Prior to occupation of the development the random rubble wall at the eastern boundary shall be set back by 1.27 metres to ensure a minimum laneway width of five metres is provided.
 - (b) The setback area of 1.27 metres shall be surfaced in the same material as the laneway to clearly show that the set back area will be available for public use and is not part of the private parking area.
 - (c) Gates shall be inward opening only and shall not open onto the adjoining laneway.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of the safety of all road users and to ensure a satisfactory standard of development.

4. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the materials, colours and textures 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.

6. 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.

7. A naming and numbering scheme shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

Reason: In the interest of orderly street numbering.

8. 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.

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

Dated this day of 2018.