



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3013/18.

Appeal by Xanadu Holding Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan, County Dublin against the decision made on the 9th day of July, 2018 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Construction of 7 number residential units across ground to fourth floor inclusively, consisting of four number studio apartments, one number one bed apartment and two number two bed duplex units with main entrance to all units from the east off Synge Place. All with associated balconies and winter gardens provided for all the units, bin storage, associated drainage, signage, lighting and site works all at Saint Crispin House, Synge Place, Harrington Street, Dublin.

Decision

GRANT permission 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 provisions of the Dublin City Development Plan 2016-2022, to the pattern of development in the area, to the planning history of the site and to the context including the adjoining Protected Structure at Number 5 Haddington Road, it is considered that, subject to compliance with the conditions as set out below, the proposed development would represent a high quality and appropriate design response to the sites urban context and to the corner site location. Furthermore, it is considered that the proposed development would not seriously injure the residential amenities of adjoining properties or the character and setting of the Protected Structure and would be acceptable in terms of the visual amenity of the area. 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 considered that subject to the modifications to the design as outlined in Condition Number 2 below, the proposed development would not seriously injure the character or setting of the Protected Structure and would not seriously injure the residential amenities of adjoining properties by reason of overdevelopment of the site and would not constitute an overbearing or over dominant feature on the streetscape. Furthermore, it is considered that the building would not cause a significant negative sense of enclosure overshadowing the Protected Structure subject to the conditions attached.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 7th day of August, 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. The proposed development shall be modified as follows –

Studio Apartment Number 6 shall be omitted. The Building shall be set back at third floor level in line with the edge of the lift shaft in an east west direction. The residual area from Apartment Number 6 shall be absorbed into Studio Apartment Number 5.

Revised plans, elevations and details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on site

Reason: In the interest of the protection of the character and setting of the adjoining protected structure.

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

Reason: In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

6. 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.

7. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City (Saint Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2019.