



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2888/18

Appeal by Damien O’Flaherty care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 2nd day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Mike Carthy care of Fergal McGirl Architects of Lower Ground Floor, 10 North Great Georges Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a three-storey dwelling house and ancillary site works at site at Leeson Place, to the rear of 40 Leeson Street 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

The site is located in a central area well served by public transport, services and amenities where safeguarding the character of the area is an objective of the development plan. The development of a single dwelling of limited scale in the context of the pattern of development in the area and subject to the attached conditions would not impact unduly on the architectural or civic design character of the area or the functioning of other uses within the main house on the lands and 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, as amended by the further plans and particulars submitted on the 6th day of September 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. A sedum green roof shall be installed on the central flat roof area of the three-storey building and the roof light shall be openable to allow access to the roof for maintenance purposes only.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the proposed gateway which shall be either sliding or inward opening, not roller shutter, and shall incorporate a pedestrian entrance.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the materials, colours and textures of all the external finishes to the proposed dwelling.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority:
 - (a) a full drawing survey including a photographic record of the existing boundary walls and detailed schedules of repair and reinstatement works proposed,
 - (b) a method statement for the raking out and any re-pointing of the stonework and associated repair details,
 - (c) the retention and repair of all historic boundary walls shall be indicated. The surviving element of the stone wall to the front boundary shall be retained in full and identified on a set of elevational drawings at a scale of 1:50, and
 - (d) full details for the proposed new works to the boundary walls of the site including junctions with the existing side boundary (original garden) walls.

A site visit shall be coordinated with the Conservation Officer to inspect a sample panel of the repaired and new element of boundary wall. (e.g. Masonry, coursing, and joint details etc.)

Reason: In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the curtilage of the Protected Structure.

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 interest of public safety and amenity.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Site development and building works shall be carried out between 0800 hours and 1800 hours Mondays to Fridays inclusive, between 0900 hours 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.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.