



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3147/18

Appeal by Billy Glennon and Trudi Devereaux care of Moda Architects of 399 South Circular Road, Dublin against the decision made on the 16th day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Diarmuid and Bernadette O'Byrne care of Murphy IA of 1 Leeson Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single storey garage to the rear of the property facing onto Cambridge Road. The proposed development will face and be accessed from Cambridge Road and will be for a 99 square metre, two-storey, two-bedroom mews house, with a single car parking space to the front, a first floor terrace to the front and small garden to the rear with a pedestrian gate linking the new garden to the existing garden of number 46 Belgrave Square West. The development will also consist of a new 2.2-metre high wall to be built behind existing historic stone wall on Cambridge Road, a new 2.1-metre high vehicular timber gate, a new separate connection to public sewer on Cambridge Road and all associated site works. All at 46 Belgrave Square West, Rathmines, 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 Z2 residential conservation zoning objective, the pattern of development in the vicinity, and the scale and nature of the proposed development and the polices 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 not seriously injure the residential or visual amenities of the area or have a negative impact on the character and setting of the 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, as amended by the further plans and particulars submitted to the planning authority on the 19th 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Upon completion and occupation of the permitted mews development, the existing dwelling shall be occupied as a single residential unit.

Reason: To protect the amenities of property in the vicinity and comply with the objectives of the current development plan for the area.

3. All screen walls between the existing dwelling and the mews dwelling shall be two metres in height above ground level and constructed in concrete block and shall be capped and rendered on both sides in a finish that matches the external finish of the dwellings.

Reason: In the interests of residential and visual amenity.

4. 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.

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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential 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. 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 the 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.

Dave Walsh

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

Dated this day of 2019.