



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3888/18

Appeal by Tadhg Sugre of 31 Effra Road, Rathmines, Dublin against the decision made on the 31st day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Lisa Connellan care of Design Pal of 12 Clonliffe Gardens, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two number semi-detached three-storey; three-bedroom mews residential units (105 square metres respectively). The development will occur in place of existing single storey outbuildings which will be removed as part of the works. Works consist of a private landscaped courtyard to the front, which includes an off-street car parking space for each unit; a landscaped garden at the rear of each unit, screened terraces at second floor level, boundary treatments, and all associated site development and excavation above and below ground; pedestrian access to the rear of 1 Kenilworth Square North will be maintained from Kenilworth Lane West by a pedestrian laneway; no works are proposed to the Protected Structure; all at 1 Kenilworth Lane West, to the rear of 1 Kenilworth Square North, 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 condition 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 set out in the Dublin City Development Plan 2016-2022, the pattern of development in the vicinity, the scale and nature of the proposed development and the policies of the planning authority as set out in the Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area and would not adversely affect 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 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. The proposed roof terrace to bedroom 3 of each dwelling shall be omitted and shall be replaced by a rooflight, located within a revised roof treatment, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent overlooking of adjoining residential property

3. Prior to commencement of development, the developer shall comply with the following requirements:-
 - (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) identification of the historic walls on the site and submission of survey, drawings and photographic evidence for all existing boundary walls and a detailed schedule of any repair and reinstatement works that shall be undertaken to the original boundary walls. A method statement for the raking out and re-pointing of the stonework and associated repair details shall be submitted to the planning authority along with details of the historic stone coursing, sizes of stone as well as mortar composition and colour to be used. Full details for the proposed new works to the boundary walls of the site including junctions with the existing side boundary (original garden) walls,
- (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.

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” issued by the Department of Arts, Heritage and the Gaeltacht in 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. 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. 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.

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.

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

Dated this day of 2019.