



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3378/18

Appeal by Audrey Bryan and Adrian Lewis and others of 47 Gracepark Road, Drumcondra, Dublin against the decision made on the 12th day of November, 2018 by Dublin City Council to grant subject to conditions a permission to Grellis Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an additional one number dwelling to the granted residential development register reference number 4105/15 (An Bord Pleanála reference PL29N.246430). Permission is sought for the construction of a new one-bedroom, two storey detached unit adjacent to the granted southern pedestrian/cycle lane onto Grace Park Road. Permission is also sought for minor revisions to the granted layout and car parking serving dwelling numbers 19-21 to provide one number new car parking space to serve the proposed dwelling, minor revisions to the private rear garden of dwelling number 18, revisions to the granted pedestrian/cycle lane to accommodate the proposed development, landscaping, boundary treatments and all associated site and engineering works necessary to facilitate the development, on lands at the former Carmelite Convent of the Incarnation, (Protected Structure Reference 3238), Hampton, Grace Park Road and Griffith Avenue, Drumcondra, 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 provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development of a detached dwelling on this site would not seriously injure the amenities of the area or of property in the vicinity. 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 17th day of October 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 amended as follows:

The front/southeast facing boundary and the side/east facing boundary (labelled number 3 on drawing number AI-07-1102.1) submitted to the planning authority on the 17th day of October, 2018, shall be omitted and replaced with a wall no greater than 1.2 metre in height, with additional railings, where required, resulting in a height no greater than 1.5 metre. No other boundary treatment, including fencing or hedgerows shall be constructed around the front and side boundary, other than low planting/shrubs.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of facilitating passive surveillance of the laneway and residential amenity.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 15th day of August 2016, under appeal reference number PL29N.246430 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. The detailed design of the laneway, including surface materials, signage, planting and bollards at both ends (or other design treatment to prevent access of the laneway by vehicles) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and amenity.

5. Development described in Classes 1 or 3 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 house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. The developer shall comply with the following requirements in relation to conservation:
 - (a) In advance of construction commencing on site, the developer shall submit the following information to the planning authority for their written agreement:
 - (i) Full drawing survey including photographic record of existing boundary walls and detailed schedules of any repair and reinstatement works, and a method statement for the raking out and re-pointing of the stonework.
 - (b) An architect or expert with specialised conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the structure and/or fabric.

- (c) All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ and shall be designed to cause minimum interference to the structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (d) All existing original features, including the boundary wall, shall be protected during the course of refurbishment.
- (e) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To ensure that the original fabric of the historic boundary wall is protected, so as to protect the character and integrity of the curtilage of the protected structure.

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.

Dave Walsh

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

Dated this day of 2019.