



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4389/18

Appeal by Liam O’Buachalla of 88A Kenilworth Square East, Rathgar, Dublin against the decision made on the 17th day of January, 2019 by Dublin City Council to grant subject to conditions a permission to Stuart and Helen Hickey care of Bright Design Architects of 4 Seafield Park, Booterstown, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Demolition of existing non-original single storey side extension situated on the northern elevation of the main dwelling at upper ground floor level (entrance level) and construction of replacement two storey over lower ground floor level (garden level) contemporary style side extension on the northern elevation of the main dwelling with external balcony at entrance level and roof light over first floor and (2) internal and external refurbishment, repairs and alterations to the existing two storey over lower ground floor level building to consist of the following: (i) at lower ground floor level: demolition of existing modern sheds to the side/north of main dwelling; removal and replacement of existing window under front steps with new doorway; replacement window in west elevation; new opes in north elevation to provide access to replacement side extension; window ope in north elevation for gym; removal of non-original partitions in living

room/kitchenette/bathroom and utility room; new internal partitions in kitchen/utility/wc and new opes between kitchen/utility; rebuilding portion of rubble garden party wall facing west; (ii) at upper ground floor level: renovation of existing ope to replacement side extension; (iii) at first floor level: removal of non-original WC and partitions on landing, removal of non-original fitted wardrobes and sinks in bedrooms, new ope in north elevation to provide access to replacement side and (iv) general conservation works to windows, joinery and plasterwork. The proposal also includes landscaping works and all other ancillary and drainage works necessary to facilitate the development, all at 88 Kenilworth Square, Rathgar, 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 design, scale and finish of the proposed extension and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, would not have an adverse impact on property values and would not adversely impact on the character of Protected Structures in the vicinity or the Residential Conservation Area. The proposed development, therefore, would 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be revised as follows:
 - (a) The proposed window to the gym at the lower ground floor shall be omitted.
 - (b) The proposed terrace and glass balustrade at upper ground floor level shall be permanently omitted.

- (c) The proposed perforated cladding shall be permanently fixed and shall not be openable.

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

Reason: In the interests of visual and residential amenity.

- 3. The following requirements of the Archaeology, Conservation and Heritage Department shall be strictly adhered to: -
 - (a) A conservation expert with proven and appropriate expert shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structures and/or fabric.
 - (b) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Services issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in-situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

- (c) All existing original features, in the vicinity of the works (windows, doors, fanlight, paving, ironwork and steps) shall be protected during the course of the refurbishment works.

- (d) In advance of works commencing on site, the applicant shall submit the following information with the planning authority for inclusion in the planning file:
 - (i) Full drawing survey including photographic record of existing boundary walls and the existing front wall. Detailed schedules of any repair and reinstatement works that are required to the walls shall be fully detailed. A method statement for the raking out and re-pointing of the stonework and associated repair details shall be provided. Details of the historic stone coursing, sizes of stone, mortar composition and colour shall be provided.

 - (ii) Full details of all proposed new elements, such as tothing-in and repair work that shall be required. All new elements shall match the historic walls.

Reason: To safeguard the special architectural interest of the protected structure.

- 4. Water supply and drainage arrangements, including the 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 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

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

Dated this day of 2019.