



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4061/18

Appeal by John Pugh of Cherokee, Shrewsbury, Ballsbridge, Dublin against the decision made on the 11th day of March, 2019 by Dublin City Council to grant permission Laura Bradshaw care of Lawrence and Long Architects of 23 Mespil Road, Dublin for development comprising alterations and refurbishment of the exterior and interior of the existing dwelling to include the following: removal of non-original structures on site including rear extensions, side extension, fuel shed, garage and rear garden shed; provision of new single-storey extension of 167 square metres to side and rear at garden level, to include part basement of 108 square metres; removal and reconstruction of non-original dormer extension; modifications to some internal walls and door openings, including provision of small extension of 4 square metres to the side to accommodate an en-suite bathroom at first floor level, local rationalisation of some internal floor levels including modifications to window opes to rear façade; refurbishment of all existing timber windows, to include for replacement slimlite double glazing; cleaning and localised repair of brickwork to front elevation; provision of new outbuilding to accommodate garage, wc and plant room; general repair, upgrade and refurbishment of the existing fabric including repairs to the existing windows, façades and roof fabric including valleys and rainwater goods; landscaping works to front garden and rear gardens including locally repairing and raising the random coursed granite boundary wall between numbers 79 and 81 and all ancillary and associated site works at 81 Park Avenue, Sandymount, Dublin (A Protected

Structure) in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the proposed development (omitting the basement element of the single-storey (over basement) extension in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the basement extension based on the reasons and considerations marked (2) under

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 (1)

Having regard to the inclusion of the structure in the Record of Protected Structures and to the Z2 Residential Neighbourhoods (Conservation Areas) zoning objective for the proposed area in the Dublin City Development Plan 2016-2022, and to the nature, extent and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially and adversely affect the historic fabric, integrity, character and setting of the existing building, would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the removal of the existing side gate, piers and walls at the south-east side of the house and the reconstruction of the dormer extension in the rear and the full height curtain walling system in the rear façade, the Board considered that the loss of some original fabric was acceptable in the context of the quality of the design of the proposed development and the overall planning gain associated with the refurbishment and conservation of the existing protected structure. The Board considered that these modifications were not material and would not adversely affect the overall character, visual amenity and setting of the protected structure and adjoining buildings within the residential conservation area 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 lodged with the planning authority on the 12th day of February, 2019, 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. Revised plan, section and elevation drawings showing details for the development which is authorised under this grant of permission shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2005.

Reason: To ensure appropriate building conservation practice in the interest of the protection of the integrity of the structure.

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

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The garage and plant room structure shall be used solely for purposes incidental to the residential use of the dwelling and shall not be sold, sublet or used for commercial purposes without a prior grant of permission.

Reason: In the interest of clarity and residential amenity.

7. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hours and 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

8. 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.

Reasons and Considerations (2)

Having regard to the inclusion of the existing and neighbouring dwellings in the Record of Protected Structures for Dublin City, to its location within an area zoned Z2 Residential Neighbourhoods (Conservation Areas) and within Flood Zone Site 8 in the Strategic Flood Risk Assessment and to Policy SI13 of the Dublin City Development Plan 2016-2022, which seeks to discourage any significant underground or basement development or excavations below ground level of, or adjacent to residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures and states that development of basements or any above ground buildings for residential use below the estimated flood levels for flood zone levels for Zone A or Zone B will not be permitted, it is considered that the proposed basement extension would materially contravene the Dublin City Development Plan 2016-2022, would be prejudicial to public health and would set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.