



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2154/19

Appeal by Adele McNamara and Antonio Bonalana of 8 Leinster Place, Dublin and by Olwyn Longmore and Dermot O’Riordan care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 26th day of March, 2019 by Dublin City Council to grant subject to conditions a permission to Cardinal Investments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission for development on a site of circa 0.07 hectares, located at numbers 199, 201 and 201a Harold's Cross Road, Dublin. Numbers 201 and 201a Harold's Cross Road are a Protected Structure (RPS Reference 3584). The development will consist of the refurbishment and extension of numbers 199, 201 and 201a Harold's Cross Road (previously in multi-unit occupancy of eight number residential units) for the purposes of providing seven number apartments (four number one-bedroom units and three number two-bedroom units) with private terraces/balconies at each floor level and will include: a change of use to residential (one number one-bedroom apartment) of the existing, vacant retail unit (circa 84 square metres) at the ground floor level of number 199 Harold's

Cross Road; the demolition of a single-storey external store (circa nine square metres) at the rear ground floor level of numbers 201 and 201a Harold's Cross Road; two number two-storey extensions (combined gross floor area of circa 81 square metres) to the rear of numbers 201 and 201a Harold's Cross Road; including the enlargement of three number existing window openings in the rear elevation to form new internal door connections between the existing building and proposed extensions. The development will also include: alterations to the internal floor plan layout of the Protected Structure at ground, first and second floor levels; the reconfiguration of the main internal staircase, including the retention of historic fabric and the removal of the non-historic secondary internal staircase; fire resistance upgrading works to the main stair enclosure, including the historic partition in the entrance hall at ground floor level; the removal of non-historic fabric and services and the retention and conservation of historic fabric and finishes; the repair/reinstatement of existing windows to historic detail; the reinstatement of the front door at ground floor level of the western elevation; the repointing, repair and restoration of existing brickwork to the building facades; the upgrading of building services and piped infrastructure and ducting; upgraded landscaping treatments to the garden area fronting onto Harold's Cross Road to facilitate communal open space of circa 68 square metres; repair works to the northern boundary wall, including the provision of one number new pedestrian entrance gate; the reinstatement/restoration/enlargement of existing windows in the northern and eastern facades of the building at ground, first and second floor levels; the restoration/reinstatement of the existing roof and rainwater goods and the repair and repointing of the historic chimney stack; reinstatement/restoration of the existing render to the building facades; new door and window arrangements at the ground floor level (southern elevation) of number 199 Harold's Cross Road; repair works to the retained shopfront at ground floor level of the western elevation fronting onto Harold's Cross Road, including the removal of the existing roller shutter, the obscuring of the existing glazing panels and the reinstatement of painted signage at fascia level; and the repair of the boundary railings and gate to the

front (west) of the site fronting onto Harold's Cross Road. The development will also include the demolition of the derelict fire-damaged industrial unit (circa 187 square metres) to the rear (east) of the site adjacent to Leinster Place and the provision of two number linked, three-storey residential blocks (circa 321 square metres) which will accommodate five number apartment units (three number one-bedroom units and two number two-bedroom units) with private terraces/balconies at each floor level, arranged around a communal courtyard open space of circa 71 square metres. The development will include all piped infrastructure and ducting; an underground attenuation storage tank; site landscaping; waste storage areas; 12 number bicycle parking spaces; six number solar panels; green roofs; changes in level; and, all associated site development works above and below ground. Pedestrian access to the site will be via the existing entrance from Harold's Cross Road at the western site boundary; one number new pedestrian entrance at the northern site boundary via the existing pedestrian laneway adjoining the site and one number new pedestrian entrance in the eastern site boundary fronting onto Leinster Place.

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:-

- (a) the provision of the Dublin City Council Development Plan 2016-2022,
- (b) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018,
- (c) the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (d) the existing pattern of development at this location,
- (e) the design, scale and layout of the proposed development, and
- (f) the submissions and observations on file,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the residential amenities of adjoining properties, would be acceptable in the context of architectural heritage and in the context of traffic safety and convenience. 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 in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The proposed development shall be amended as follows:
 - (a) The window serving the bedroom in unit N3 on the northern elevation at first floor level shall be replaced with a high level window and shall have sill height at least 1.7 metres above the second floor level.
 - (b) The two windows serving the living space of unit N3 on northern elevation at second floor level, shall be amended to be high level windows and shall have sill height at least 1.7 metres above the second floor level and may extend up to the ridge height and into the roof profile (skylight).
 - (b) The window serving the bathroom in unit N3 on the northern elevation at first floor level shall be fitted with obscure glazing and permanently maintained as such.

- (d) A glazed obscure screen shall be fitted on the eastern side of the balcony area serving unit N5 at second floor level and shall be at least 2 metres in height above the floor level of the balcony.

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 residential amenity.

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

Reason: In the interest of visual amenity.

4. 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 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 amenities of property in the vicinity

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site 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 structure and/or fabric.
- (b) All repair works to the protected structure 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 Environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building 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.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. 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 (including hydrological and geotechnical investigations) 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.

7. Drainage requirements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

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

Reason: In the interests of public safety and the amenities of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. 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.

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

Dated this day of 2019.