



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4347/18

Appeal by Mary Miley of 2 Eastmoreland Lane, Dublin against the decision made on the 30th day of April, 2019 by Dublin City Council to grant subject to conditions a permission to Metropolitan Properties Limited care of McCullough Mulvin Architects of 16 Molesworth Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development is located on Eastmoreland Lane to the rear of Number 20 Upper Baggot Street (a Protected Structure), making use of a disused yard space facing on to Eastmoreland Lane. No work is envisaged to the existing Protected Structure. A two-storey shed in the yard to the rear of Number 20 Baggot Street will be demolished as part of the proposed development. The brickwork from this shed will be salvaged where possible and re-used in the new development. The proposal comprises the construction of an infill building four storeys high plus roof access to Eastmoreland Lane, and two storeys high to the rear of Number 20 Upper Baggot Street, of 308.2 square metres area, comprising a townhouse and two apartments and ancillary site works. The four-storey section of the proposed building (facing the lane) contains the townhouse with

two roof gardens, one at second floor level, the other at fourth floor level, accessed from Eastmoreland Lane. The two-storey section of the proposed building contains two apartments, one at ground level and one at first floor level accessed from Eastmoreland Lane. The apartment at ground level will have access to a private garden space and the apartment at first floor will have access to a private roof terrace. Each garden or terrace is screened to minimise overlooking and maximise privacy. There is a garden court between the Protected Structure and the proposed new development. The proposal includes two number bicycle spaces and bin storage at ground level, all at Eastmoreland Lane to rear of Number 20 Upper Baggot Street, 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:

- (a) The Dublin City Development Plan, 2016 - 2022 according to which the areas within the site are subject to the zoning objective 'Z4' - "To provide for and improve mixed service facilities" according to which residential development is among the uses which are permissible;
- (b) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 according to which new residential development in cities should be directed into locations within the existing built up service areas;
- (c) the guidance and standards, as set out in 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;
- (d) the location on under-utilised land within a well serviced, inner suburban area in close proximity to the city centre, public transport facilities, and a wide range of services, amenities and facilities;
- (e) the established pattern and character of existing development in the area; and

- (f) the design, form, height, materials and external finishes for the building, the internal layout of the proposed residential units and private open space provision,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the national strategic policy and local development policies and objectives for the area, would not seriously injure the integrity, setting and character of the protected structure and the surrounding protected structures, or the visual and residential amenities of the area, would not adversely affect the development potential of adjoining lands 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 submitted on 3rd day of April, 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. 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, as set out in the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by The Department of the Arts, Heritage and The Gaeltacht in October, 2011.

Reason: To ensure the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, including external lighting throughout the development, 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 amenities.

4. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of amenity and of the proper planning and sustainable development of the area.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. 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.

7. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

8. No additional development, such as air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

9. The demolition and clearance of the site and the construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, amenities, public health and safety and sustainable development.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

11. Landscaping, planting and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

Reason: In the interests of visual amenity and of the orderly and sustainable development of the area.

12. 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.

13. 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.

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

Dated this day of 2019.