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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4501/18**

**Appeal** by Susan-Jane White of 27 Mount Pleasant Square, Ranelagh, Dublin and by Brian Corrigan care of ODKM Architects of 39 Fitzwilliam Street Upper, Dublin against the decision made on the 8<sup>th</sup> day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Roy Turner care of Patrick Power of 18 Adelaide Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Amend a previously permitted development, under planning register reference number 2382/18 to include the demolition of existing unused derelict building, previously laid out as ground floor retail use, stores and two number car parking spaces, first floor residential apartment on site area 147.7 square metres and the construction of a new three-storey apartment building on the "footprint" of the existing building which will consist of two number three bedroom apartments, each with a balcony and screened, landscaped terrace, Apartment 'A' 131.8 square metres and Apartment 'B' 138.5 square metres which includes area for two number garaged car parking spaces accessed from Richmond Hill and Lower Mount Pleasant Avenue. The proposed development will replace an existing end of terrace building,

Number 25 Lower Mount Pleasant Avenue. Each apartment will have provision for bicycle and refuse bin storage within the development. The main entrance to the apartments is proposed to be retained in its present location on Lower Mount Pleasant Avenue through a landscaped courtyard, all at 25 Lower Mount Pleasant Avenue and corner of Richmond Hill, 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 zoning objective Z1 'To protect, provide for and improve residential amenities' as set out in the Dublin City Development Plan 2016-2022,

- (b) the “Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities”, issued by the Department of the Environment, Community and Local Government in March, 2018, and,
- (c) the extant planning history for the site,

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 the residential amenities of property in the vicinity and would not adversely affect the historic architectural character and established pattern and layout of existing development, would be acceptable in terms of pedestrian and traffic safety and convenience and 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, as amended by the further plans and particulars submitted on the 12<sup>th</sup> 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 development shall comply with the following requirements:
  - (a) obscure glazing screens to a minimum height of 1.8 metres shall be erected and maintained in position along the east facing sides of the first-floor balcony and second floor terrace, and
  - (b) access to the sedum roofs shall be restricted to access for maintenance purposes only.

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

**Reason:** In the interests of clarity and the protection of the residential amenities of the rear gardens of the properties on Mount Pleasant Square on the east side of Lower Mount Pleasant Avenue.

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 commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

**Reason:** In the interest of visual amenity.

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

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

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 development shall comply with the following:
  - (a) Driveway entrances shall have a minimum width of 2.5 metres and not have outward opening gates.
  - (b) Footpath and kerb shall be dished and new entrance shall be provided in accordance with the requirements of the planning authority.

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 interest of the proper planning and sustainable development 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 000, 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.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**