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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2028/19**

**Appeal** by Joseph Deasy care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 14<sup>th</sup> day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Aoife Nic an Coilligh care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Extension and renovation of existing house at 2 Temple Gardens, Rathgar, Dublin (a Protected Structure). Works will include the demolition of existing non original single storey extension to the side and rear of existing house. Provision of new replacement single storey extension to side and rear incorporating new kitchen/dining/family room to rear with covered outdoor dining area, ancillary service areas including entrance boot room, wc, utility/laundry and den to side. Works to the existing house will include alterations to form playroom and reception wc at lower ground floor and reconfiguration of rooms at first floor level to provide new master bedroom with conversion of existing front bedroom to form new dressing area and ensuite together with the refitting of a new bathroom to replace existing ensuite. External works to include revised parking layout to front garden together with new hard landscaping and planting beds. The rear garden will

be relandscaped with provision of new terrace and detached single storey gym/plant room and store along the western garden boundary. Works will also include repairs to all boundaries, repointing works to existing elevations, roof, window and chimney repairs where deemed necessary.

## **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 Z2 Residential Conservation Area zoning objective for the site and the inclusion of the house and the houses in the vicinity of the proposed development on the record of protected structures in the Dublin City Development Plan 2016-2022 and to the pattern and character of development in the streetscape including the variations in garden screen walls and side extensions, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or adversely affect the integrity, features of special interest, architectural character and setting of numbers 2 and 3 Temple Road, would not adversely affect the visual and residential amenities of properties on Temple Gardens 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 the 17<sup>th</sup> day of April, 2019 and by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of July, 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 following amendment shall be made to the proposed extensions to the rear and side of the house:

The window in the east facing wall of the proposed extension shall be lowered so that the top of the window is a maximum of 1.5 metres in height above the floor level in the kitchen.

Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interests of protection of the residential amenities of the adjoining property at number 3 Temple Gardens.

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 the Environment, Heritage and Local Government in 2011 and who, prior to the commencement of the development, shall be submit and agree in writing with the planning authority, the following requirements:

- (a) A detailed schedule of works to the proposed interventions and reconfiguration of the interior to include survey of existing historic fabric and proposed interventions and full details of all ventilation and duct work, fire upgrading work and service runs with continuous routing being used as a means of prevention of leakage and damage to historic fabric in concealed areas including associated necessary opening works to facilitate routes.
- (b) A methodology appropriate to the existing historic fabric for repointing works to existing elevations and for repairs and maintenance to chimneys and boundary walls.

- (c) All existing original features, internal and external to be retained shall be protected prior to and throughout the duration of the construction stage.

**Reason:** In the interest of clarity, and to ensure the protection of the historic fabric, character, integrity and special interest of the existing house and the feature within the curtilage having regard to the inclusion on the record of protected structures.

4. Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

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

5. 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.

6. All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

**Reason:** In the interests of public amenity orderly development and traffic safety.

7. 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.

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

**Dated this            day of            2019.**