



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1188/19

APPEAL by Cathal Garrad care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin against the decision made on the 29th day of May, 2019 by Dublin City Council to refuse permission.

Proposed Development: 1. Retention of 30.6 square metres of additional area to the rear, at first floor level. 2. New profiled roof element containing attic level accommodation (51.5 square metres). 3. Minor internal layout modifications. All at 59 Heytesbury Lane, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the zoning of the subject site as Z2 in the Dublin City Development Plan 2016 - 2022, where the objective is “to protect and/or improve the amenities of residential conservation areas”, and having regard to the scale and design of the development for which retention is sought, it is considered that the subject development is substandard and would introduce poor quality design that would be visually incongruous, would give rise to adverse visual amenity impacts and seriously injure the amenities of property in the vicinity, contrary to policy CHC4 of the Dublin City Development Plan 2016 – 2022. The development for which retention is sought would, therefore, be contrary to the zoning objective and policy as set out in the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. By reason of its height, bulk and massing, it is considered that the proposed new profiled roof element containing attic level accommodation would be out of character with the pattern of development in the area, would seriously injure the visual amenities of the area, including from nearby protected structures, and would create three floors of accommodation which would be contrary to section 16.10.16 of the Dublin City Development Plan 2016– 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the unacceptable nature and design of the first floor extension, for which retention is sought, could be adequately mitigated by the imposition of conditions, as recommended, and was of the view that the development that has taken place was of poor design quality and was not comparable to other mews developments in the vicinity, particularly having regard to its location within a Conservation Area. In relation to the proposed attic, the Board considered that its scale and design would be out of character with its surroundings and did not agree with the Inspector that it would be acceptable in the context of the character and visual amenities of the area, particularly having regard to the proximity to a significant number of Protected Structures. The Board also noted the planning history of the immediate area, including its previous refusals for second floor level developments under file reference numbers PL 29S.201791 and PL 29S.217102.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.