



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2810/19.

Appeal by Jim Flynn care of PCOT Architects of 106B Pembroke Road, Ballsbridge, Dublin against the decision made on the 11th day of June, 2019 by Dublin City Council to refuse permission for the proposed development.

Proposed Development:

Construction of two number two bedroom two-storey and single storey mews houses with integrated garages and vehicular access from Grosvenor Lane including a gated archway allowing vehicular access to the rear of 62 and 63 with ancillary site works, all at rear gardens of 62 and 63 Leinster Road, Rathmines, 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 the location, context, design and scale of the proposed development, and to the policy objectives of the Dublin City Development Plan 2016 - 2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or adversely affect the integrity, special interest, architectural character and setting of numbers 62 and 63 Leinster Road which are included on the Record of Protected Structures or the visual amenities of the area or residential amenities of property in the vicinity. Furthermore, the proposed development would be acceptable in terms of traffic safety and convenience 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 received by An Bord Pleanála on the 8th 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. Prior to commencement of development, the proposed works to the existing historic fabric of the party wall shall be carried out under the direction of an architect with specialist expertise in historic building conservation, in accordance with the recommendations as set out in 'Architectural Heritage Protection: Guidelines for Planning Authorities' issued by The Department of the Environment, Heritage and Local Government in 2004 and a Conservation Method Statement appropriate for the works to the existing historic fabric of the party wall shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity, and to ensure the protection of the historic fabric, character, integrity and special interest of features within the site curtilage.

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

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

Reason: In the interest of visual 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. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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.

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

Dated this day of 2019.