



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3514/19

Appeal by Maurice Regan care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 9th day of September, 2019 by Dublin City Council in relation to an application for permission for development comprising amendments to previously permitted development register reference number 3973/18 at numbers 4, 6, 8 and 10 Elgin Road and numbers 4, 6 and 8 Pembroke Lane, Ballsbridge, Dublin. The subject site includes four number protected structures, RPS number 2498 (4 Elgin Road), RPS number 2500 (6 Elgin Road), RPS number 2501 (8 Elgin Road) and RPS number 2503 (10 Elgin Road). The proposed amendments comprise of the following: provision of three number new vehicular off street entrance points to serve units numbers 4, 6 and 8 Elgin Road respectively; replacement of boundary treatment to number 10 Elgin Road with original salvaged fabric from numbers 4, 6 and 8; refurbishment and repair of existing boundary treatment; revised landscaping to front gardens; provision of three number off street car parking spaces to serve numbers 4, 6 and 8 and all other ancillary site development works necessary to facilitate the development in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for replacement of boundary treatment to number 10 and to refuse permission for provision of three number new vehicular off street entrance points to serve numbers 4, 6 and 8) in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the replacement of boundary treatment to number 10 Elgin Road in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the provision of three number new vehicular off-street entrance points to serve numbers 4, 6 and 8 Elgin Road based on the reasons and considerations marked (2) under.

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 nature and scale of the proposed works to number 10 Elgin Road, it is considered that, subject to compliance with the conditions set out below, the proposed works to the existing entrance would not be out of character with existing development within the area, would be acceptable in terms of visual impact and traffic safety, and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed works would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed replacement of the boundary treatment to number 10 Elgin Road shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 works to the boundary of the protected structure shall be carried out under the direction of specialist expertise in the form of a conservation architect, using material salvaged from elsewhere other than the existing boundary piers and walls to numbers 4, 6 and 8 Elgin Road and shall be carried out in accordance with the requirements of the Architectural Heritage Protection Guidelines and any other advice issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To safeguard the special architectural interest of the protected structure.

Reasons and Considerations

The proposed works to provide three number new vehicular off-street entrance points to numbers 4, 6 and 8 Elgin Road would seriously injure the architectural character of both the historic streetscape and the setting of the Protected Structures and would give rise to the loss of original historic fabric and character. The proposed works would be contrary to Section 16.10.18 of the Dublin City Development Plan 2016-2022 and Policy CHC1, CHC2 and 13.4.3 of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and would, therefore, be contrary to the proper planning and sustainable development of the area

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

Dated this day of 2020.