



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3158/19

Appeal by Ethna Kennon of 42 Lansdowne Road, Ballsbridge, Dublin against the decision made on the 26th day of September, 2019 by Dublin City Council to grant subject to conditions a permission to Batele Hotel Holdings Limited care of Ryan and Lamb Architects of 41 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing conservatory to the side at ground floor level and construction of two number new flat roof extensions to the rear and side of the property to be used as a dining area, kitchen and store, and alterations to the internal layout at ground floor; a new pedestrian entrance in the existing side boundary wall on Shelbourne Road; and all associated landscaping, services and site works, all at Butler's Townhouse (Protected Structure), 44 Lansdowne Road, 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 zoning of the site, the planning history and the extant use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would not detract from the character of the protected structure or its visual amenity within the streetscape, and would, otherwise, be in accordance with the provisions of the Dublin City Development Plan, 2016-2022. The proposed development 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 lodged with the planning authority on the 30th day of August, 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 proposed development shall be amended as follows:
 - (a) The proposed pedestrian entrance door in the boundary wall along Shelbourne Road shall be omitted.
 - (b) The pedestrian door in the wall proposed for the courtyard shall be repositioned inwards within the site by a minimum distance of two metres.
 - (c) The demolition and construction works shall be carried out in accordance with the recommendations set out in the Architectural Heritage Protection: Guidelines for Planning Authorities issued by The Department of Arts, Heritage and the Gaeltacht in 2011.

Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised drawings showing compliance with these requirements.

Reason: In the interest of clarity, and to ensure the protection of the protected structure and the visual amenities and established architectural character of the area.

3. 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.

4. Throughout construction and demolition stages, the development shall be carried out in accordance with the standards set out in BS 5228: Noise Control on Construction and Open Sites Part 1: Code of Practice for basic information and procedure for noise control. Throughout operational stages, the rated noise levels emanating from the development shall not constitute reasonable grounds for complaint as provided for in BS 4142, Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In the interest of clarity and residential amenities.

5. Details of the materials, colours and textures of all the external finishes for the proposed extensions including doors and windows, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.