



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3732/19**

**Appeal** by John Fingleton of 7 Hamilton Street, Dublin against the decision made on the 3<sup>rd</sup> day of October, 2019 by Dublin City Council to grant subject to conditions a permission to THPI Limited care of Bright Design Architects of 4 Seafield Park, Booterstown, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A development consisting of:

- Subdivision of existing property to create one number additional one bedroom dwelling unit with renovation of the existing dwelling unit to create a total of two number dwelling units.
- Construction of new single storey and two-storey extension to the rear of the existing property.
- Demolition of existing single storey garage structure to rear and existing chimney to rear wall.

- All associated alterations to existing elevations including new entrance to Donore Avenue.
- All associated alterations to internal layouts, drainage, landscaping and ancillary works.

All at 19 Ebenezer Terrace (located at junction with Donore Avenue), 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 site location within a long established inner city residential area, to the site configuration, the existing building on the site and the scale, design and extent of modifications and extensions proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity by reason of overlooking, would not adversely affect the architectural character and integrity the existing dwelling or the streetscape within the area which is subject to the zoning objective, Z2 as a Residential Conservation Area, in the Dublin City Development Plan 2016-2022, would not seriously injure the residential amenities of future occupants and would 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 lodged with the application, except as may otherwise be required 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 first floor south facing elevation window for a study shall be fitted with opaque glazing.

Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised plans showing compliance with this requirement.

**Reason:** To protect the amenities of properties in the vicinity.

3. Water supply and drainage arrangements, including the 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.

4. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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 the 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.

---

**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**