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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4341/19**

**Appeal** by Ciarán and Krisia O'Neill care of de Siún Architects of 26 Eustace Street, Dublin against the decision made on the 3<sup>rd</sup> day of January, 2020 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a two bed 81 square metres apartment over a one bed 64 square metres apartment in the rear garden of number 60 Leinster Road, a Protected Structure. The two-storey development includes a screened first floor terrace, a rooflight and two number. car parking and cycle spaces with access to Grosvenor Lane. Works also include the retention and repair works to historic stone works on boundary walls and all associated site works, all at Grosvenor Lane to the rear of 60 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 provisions of the current Dublin City Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes, the pattern of development in the area, and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. Furthermore, the proposed development would not adversely affect the character of the Architectural Conservation Area or the integrity, features of special interest, architectural character and setting of number 60 Leinster Road which is included on the record of protected structures and would be acceptable in terms of pedestrian and traffic safety. 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, 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. 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.

3. The proposed works to the existing historic fabric of the boundary walls shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with best conservation practice as recommended in the Architectural Heritage Protection Guidelines for Planning Authorities issued by The Department of the Arts, Heritage and the Gaeltacht in 2011. A conservation method statement appropriate for the works to the existing historic fabric of the boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement.

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

4. 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.

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

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 adjoining property in the vicinity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety, orderly development and residential amenity.

9. 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.

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

**Dated this            day of            2020**