



**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3960/19**

**Appeal** by Ciaran Costello care of Richard Rainey Architects of 71 Lower O'Connell Street, Kinsale, County Cork against the decision made on the 25th day of March, 2020 Dublin City Council in relation to the application by the said Ciaran Costello for permission for development comprising: - (1) the redevelopment and subdivision of 29 Victoria Road, a protected structure (reference number 8209), into three number two bedroom apartments with two number north facing terraces at ground floor level; (2) the construction of two number four bed, two-storey semi-detached houses to the rear (north) of 29 Victoria Road; (3) the demolition of the existing garage and outhouse to the side and the construction of one number one bed single storey infill apartment to the east of 29 Victoria Road; (4) the demolition of the existing single storey extension to the rear of 29 Victoria Road and the replacement with a similar sized single storey extension; (5) a new vehicular access from Victoria Road, to the west of 29 Victoria Road, providing access to car parking for the apartments and semi-detached houses to the rear; (6) The removal of the existing vehicular entrance and replacing it with a new pedestrian entrance, off Victoria Road; (7) all associated surface car parking, bicycle parking, open space, apartment courtyards, landscaping, boundary treatment and all associated site and engineering works necessary to facilitate the development, all at 29 Victoria Road (a protected structure: reference number 8209), Dublin and the site is within the Haddon Road and Victoria Road

Architectural Conservation Area in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for (1) the redevelopment and subdivision of 29 Victoria Road, a protected structure (reference number 8209), into three number two bedroom apartments with two number north facing terraces at ground floor level; (3) the demolition of the existing garage and outhouse to the side and the construction of one number one bed single storey infill apartment to the east of 29 Victoria Road; (4) the demolition of the existing single storey extension to the rear of 29 Victoria Road and the replacement with a similar sized single storey extension; (5) a new vehicular access from Victoria Road, to the west of 29 Victoria Road, providing access to car parking for the apartments and semi-detached houses to the rear; (6) The removal of the existing vehicular entrance and replacing it with a new pedestrian entrance, off Victoria Road; (7) all associated surface car parking, bicycle parking, open space, apartment courtyards, landscaping, boundary treatment and all associated site and engineering works necessary to facilitate the development and to refuse permission for the (2) the construction of two number four bed, two-storey semi-detached houses to the rear (north) of 29 Victoria Road);.

## **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 provisions.

## **Reasons and Considerations**

Having regard to the character of the site, including the protected structure, the location of the site in an area designated as the Haddon Road and Victoria Road Architectural Conservation Area in the Dublin City Development Plan 2016-2022, the design, scale and layout of the proposed development, and having regard to the provisions of the Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, including the character and setting of the protected structure and the Architectural Conservation Area, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants of the residential units, in accordance with the provisions of the Dublin City Development Plan 2016-2022, 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.

In not agreeing with the Inspector's recommendation to refuse permission for the construction of two number semi detached houses to the rear of the site, and notwithstanding that the Board concurred with the inspector that the construction of two number three-storey semi detached houses would be visually obtrusive and would impact negatively on the amenity of the area, the Board considered that the proposed development of two number two-storey semi detached houses as set out on drawing numbers, 005 Rev A, 012 Rev A and 032 rev A of the planning application submission dated the 9<sup>th</sup> day of September 2019, would be acceptable in terms of scale, design, height and position on the site, would not be visually obtrusive and would not impact negatively on the visual amenity of the area nor on the protected structure, would not result in excessive overlooking of rear gardens in the area, and

would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore, it is considered that the quantum, quality and disposition of the amenity spaces proposed to be provided for the two semidetached houses, their location setback from the Victoria road and to the rear of the protected structure, and their outlook onto a communal garden area, would have a positive impact on the amenity of future occupants of the proposed houses. And furthermore, it is considered that the access for an in-curtilage car parking space from the rear access lane, where turning can be facilitated within the site and where the house is not a mews type development, would be acceptable in terms of pedestrian and traffic safety.

### **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 submitted on the 27th day of February 2020, 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 pair of semi-detached two-storey houses shall be constructed in accordance with drawing numbers, 005 Rev A, 012 Rev A and 032 Rev A, as submitted to the planning authority on the 9th day of September, 2019,

- (b) the new vehicular entrance shall be carried out in accordance with drawing number 005 Rev C, as submitted to the planning authority on the 27<sup>th</sup> day of February 2020,
- (c) a maximum of five car parking spaces with sufficient on-site turning areas shall be provided on site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity.

3. The landscaping scheme shown on drawing number P400-101, as submitted to the planning authority on the 27<sup>th</sup> day of February, 2020, shall be carried out within the first planting season following substantial completion of external construction works.

Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The proposal shall be amended as follows:

A revised layout which provides for car parking and turning, and which accommodates the two number two storey semi detached houses and their amenity spaces, shall be submitted to and agreed in writing with the planning authority.

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

4. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric;
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement;
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment;

- (d) Details of the procedures to be followed in the above, including proposals with respect to work methodologies, attic insulation, doors, windows, the historic staircase and brick pointing shall be submitted to, and agreed in writing in advance with, the planning authority.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. The materials, colours and textures of all the external finishes to the proposed new build house to the side, the replacement rear scullery extension and hard landscaping, including the internal boundaries, shall be submitted to, and agreed in writing with, the planning authority before the commencement of development on site.

**Reason:** In the interest of the visual and residential amenities of the area.

6. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of this development

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

7. 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 and to ensure a satisfactory standard of development.

8. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

9. 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, traffic management measures and off-site disposal of construction/demolition waste.

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

10. Site development and building works shall be carried out between the hours of 0800 to 1800 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.



11. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

12. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. 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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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**