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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2334/20**

**Appeal** by Bond Street The Collective Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 15<sup>th</sup> day of June, 2020 in relation to an application for permission for the demolition of a single storey extension (approximately 30 square metres) to the rear of 10/10A Lansdowne Terrace and the making good of the rear (north) elevation thereafter and the insertion of a new doorway and window, the demolition of a flat roofed garden dwelling (approximately 21 square metres), the removal of part of the existing wall addressing Lansdowne Lane and the proposed construction of two number three bed three storey (with setbacks at first and second storey) semi-detached dwellings (approximately 141.8 square metres and approximately 143.5 square metres) fronting onto and with vehicular access off Lansdowne Lane. Each proposed dwelling will include all associated ancillary elements and an integrated garage with one number undercroft car parking space, external gardens to the rear at ground level (approximately 20 square metres), external south facing terraces at first storey and second storey (approximately 24 square metres and approximately 26 square metres), landscaping, boundary treatments and all associated site development works, all on site to the rear of 10/10A Lansdowne Terrace, Shelbourne Road and Lansdowne Lane, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the

demolition of a single storey extension (approximately 30 square metres) to the rear of 10/10A Lansdowne Terrace and the making good of the rear (north) elevation thereafter and the insertion of a new doorway and window and the demolition of a flat roofed garden dwelling (approximately 21 square metres) and to refuse permission for the removal of part of the existing wall addressing Lansdowne Lane, the construction of two number three bed three storey (with setbacks at first storey and second storey) semi-detached dwellings (approximately 141.8 square metres and approximately 143.5 square metres) fronting onto, and with vehicular access off, Lansdowne Lane and all associated ancillary elements, landscaping, boundary treatments and all associated site development works).

## **Decision**

**GRANT permission for the demolition of the single storey rear extension, the making good of the rear (north elevation) thereafter, including the insertion of a new doorway and window and the demolition of the flat roofed garden shed 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 removal of part of the existing wall addressing Lansdowne Lane, the construction of two number three-bed, three-storey semi-detached dwellings 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 design of the proposed development, the zoning objective for the site, the current Development Plan for the area and the pattern of development in the area, 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 or the residential amenities of property in the vicinity and 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. All external finishes and window and door shall harmonise with the existing house in respect of materials and colour.

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

3. Prior to the commencement of demolition, an appraisal shall be undertaken by a specialist contractor to determine the possibility of hazardous material such as asbestos and any necessary mitigation measures required. Any recommended measures shall be implemented and any asbestos containing materials identified shall be removed by a licenced waste contractor.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 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 property in the vicinity.

5. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures on noise control'.

**Reason:** In order to ensure a satisfactory standard of development, in the interest of residential amenity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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.

7. The developer shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure a satisfactory standard of development

## **Reasons and Considerations (2)**

1. The subject site is located on lands zoned as Zoning Objective Z2 Residential Conservation Area where it is an objective "to protect and/or improve the amenities of residential conservation areas". The proposed development would result in an inadequate quantity of and poor-quality private amenity space for 10/10a Lansdowne Terrace, which requires a minimum of 100 square metres private open space as set out in Section 16.10.2 of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale, height and proximity of the proposed three-storey dwellings and their proximity to the boundaries of the adjoining dwellings at numbers 10/10a Lansdowne Terrace and number 8 Lansdowne Terrace, it is considered that the proposed development would seriously injure the residential amenity of the private open space of the dwellings and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the scale, bulk and height of the proposed development and the inadequate separation distances proposed, it is considered the proposed development would constitute a visually obtrusive and dominant form of development in this residential conservation area and would, therefore, be contrary to Policy CHC4 of the Dublin City Development Plan 2016-2022.

4. The proposed development which is to facilitate private vehicular entrances involves the loss of on-street parking facilities available to the wider community for daytime use in connection with short stay commercial and leisure needs and evening use by residents in an area in which residential permit parking is available. The proposed development would materially contravene Policy MT14 and Section 16.38.9 of the Dublin City Development Plan 2016-2022, according to which it is the policy of the planning authority to minimise loss of on-street parking as a resource for the city and would, therefore, be contrary to the proper planning and sustainable development of the area

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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**