



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2799/20

Appeal by Pauline Hall care of Armstrong Planning of 41 Lower Baggot Street, Dublin against the decision made on the 27th day of July, 20200 by Dublin City Council to grant subject to conditions a permission to Hermitage Construction and Development Limited care of Richard Loren Design Limited of Suite 5.9, Central House, 1 Ballards Lane, London, England in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: (a) a two-storey rear extension varying in depth extending from the top of the existing rear wall of the main pub at the back of the proposal approved under planning register reference number 4690/18, decision number P2643 dated and approved on the 22/02/19 to provide ancillary staff welfare facilities and storage for the pub, (b) on completion, the total development will still consist of the previously granted one number two bed flat at second floor level, two number one bedroom flats at first floor level and one number two bedroom flat at third level. The licensed premises on the ground floor to be retained, all at 27 to 28 Mount Pleasant Avenue Lower, 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 planning history, to the nature and extent of the proposed development, and to the established pattern and character of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously residential amenities of the adjoining property or the visual amenities of the area or in the vicinity 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 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. The rear, west elevation windows at first and second floor levels shall be fitted with obscure glazing.

Reason: In the interest of the protection of the residential amenities of the adjoining property.

3. Details of materials, colours, and textures of all the external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development.

Reason: In the interests of visual and residential amenities.

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. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Arrangements for demolition and clearance of the site and for construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

Reason: In the interests of clarity, amenities and public health and safety and sustainable development.

7. 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 amenities of surrounding properties and clarity.

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.

Paul Hyde

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

Dated this day of 2020