



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2993/20

Appeal by Richview Management DAC care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 26th day of August, 2020 by Dublin City Council to grant subject to conditions a permission to Chris Dardis care of OC Architects and Design of 67a Ranelagh Village, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The widening of the existing vehicular entrance and the construction of a new pier to this entrance, the construction of a new storage/workshop structure to the rear of the property with two number rooflights and solar panels to the south-facing slope, and the addition of a new pedestrian access to the rear of the property with new gates and all associated site works, all at Number 17 Highfield Road, Rathgar, Dublin, which is a Protected Structure.

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 Z2 zoning objective to protect, provide and/or improve the amenities of residential conservation areas, to the limited extent of the proposed works to provide a pedestrian entrance off the rear lane and to the substantial separation distance between the proposed workshop/shed from the Protected Structure and adjacent residences, the Board was satisfied that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenities of the area, would not detract from the character and setting of the Protected Structure and would not pose a risk to pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the Inspector's concerns regarding the potential non-ancillary use of the proposed development could be adequately addressed through the imposition of a condition requiring that the use of the proposed workshop/shed be ancillary to the main house. The Board was therefore satisfied that this issue did not warrant a reason for refusal and that the proposed development was in accordance with the Z2 zoning objective to protect, provide and/or improve the amenities of residential conservation areas as provided for in the Dublin City Development Plan 2016 – 2022. The proposed development was therefore 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 proposed development shall be amended as follows:
 - (a) the proposed access to the rear of the property, within the boundary wall, shall be reduced to not more than 1.5 metres in width; and
 - (b) the proposed widening of the access from Highfield Road shall be omitted.

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 interest of residential amenity.

3. The proposed workshop/storage structure shall not be used for human habitation or for any other use other than as a use incidental to the enjoyment of the existing residential units on site, unless authorised by a prior grant of planning permission.

Reason: In the interests of residential amenity and road safety.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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. Details of the materials, colours and textures of all the external finishes to the proposed workshop/store shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. All service cables associated with the proposed development shall be located underground.

Reason: In the interests of visual and residential amenity.

8. A schedule of all materials to be used in the treatment of the rear boundary wall and proposed pedestrian entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

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

Dated this day of 2021