



An
Bord
Pleanála

Board Order ABP-308268-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3001/20

Appeal by Paula Bolger care of Stephen Mason Architectural and Planning Services of 2 Clonkeefy, Castlerahan, Ballyjamesduff, County Cavan against the decision made on the 3rd day of September, 2020 by Dublin City Council in relation to the application for permission for development to retain and complete alterations to previous approved planning reference 3456/17 for the construction of a detached garage building with a converted attic space with a pitched roof with rooflights within both roof slopes. Planning permission is sought for change of use of the detached garage building with a converted attic space, to a two-bedroom two-storey mews house. The first floor is within the converted attic space. Other works for which planning permission is sought include (1) an increase of 16 square metres floor area at first floor/attic floor level (total first floor/attic floor area = 54 square metres), (2) the roof shape has been revised from a pitched roof with rooflights within both roof slopes to a pitched roof with dormer windows within the front and rear roof slope. The roof height has been increased by 218 millimetres, (3) connections to all services and (4) all necessary ancillary site development works to facilitate this development. Retention planning permission is sought for works carried out to date as per approved planning reference 3456/17 to include the construction of an increased ground floor area of 6 square metres (total ground floor area = 54 square metres) at 3 Sydenham Road, Ballsbridge, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to

conditions a permission for the proposed retention of works carried out to date as per approved permission (register reference 3456/17) to include the construction of an increased ground floor area of 6 square metres (total ground floor area = 54 square metres) and to refuse permission for the proposed change of use of the permitted garage structure to a two-bedroomed two-storey mews house, with the first floor being within the converted attic space, provision of dormer windows in lieu of rooflights in the pitched roof, 16 square metres increase in the floor area at this level to 54 square metres and increase of 218 millimetres in the roof height, together with connections to services and ancillary site development works).

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 Objectives of the National Planning Framework, and the zoning provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian, cyclist and pedestrian safety and would not seriously injure the visual and residential amenities of adjoining properties and the amenity of future occupants.

While the Board acknowledges that the proposed development is contrary to Section 16.10.16(i) of the Dublin City Development Plan 2016-2022 which states that potential mews laneways must have a minimum carriageway of 4.8 metres in width, the development is considered to be justified in accordance with:

- (a) Government policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and
- (b) Objective 13 of the National Planning Framework,

which supports denser residential development on public transport corridors within the built-up area of Dublin city and its suburbs, as is proposed in this case. 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 dwelling 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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.

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

Dated this day of 2021.