



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2994/20

Appeal by Jerry Ryan care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 28th day of October, 2020 by Dublin City Council to grant subject to conditions a permission to Ganroyal Developments Limited care of Darmody Architecture of 91 Townsend Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of partial boundary wall in disrepair between rear gardens of Numbers 6 and 7 Ranelagh Road and of contemporary brick boundary wall to rear of both sites adjoining Construction Industry Federation site, construction of two number two-storey, two bedroom semi-detached houses with gross floor areas of 110 square metres (house to the rear of number 6) and 112 square metres (house to the rear of number 7) both with living spaces at first floor level, two number rooflights each overhead, accessed via a shared private courtyard via an existing pedestrian entrance off Athlumney Villas and all associated landscaping and site works at site at Athlumney Villas located to the rear of Numbers 6 and 7 Ranelagh Road, Dublin (both Protected Structures).

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 zoning objective for the site in the Dublin City Development Plan 2016-2022 and to the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the architectural heritage of the area or the residential amenities of adjoining properties and would be acceptable in terms of the amenity of future occupants.

The development is also considered to be in accordance with national policy 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, as amended by the further plans and particulars submitted on the 1st day of October 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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 following details shall be submitted to and agreed in writing with the planning authority in respect of works to the boundary walls:
 - (a) Full details of the proposed materials, coursing, joint details and method of repair of the boundary walls, including a full drawing survey with photographic record of all existing walls, including the subdividing wall between the protected structure and the mews and the extant boundary wall between numbers 6 and 7 Ranelagh Road and detailed schedules of any repair and reinstatement works to the original walls. The extant stones of the 'existing

overgrown wall in disrepair' dividing numbers 6 and 7 as part of a repair proposal for the extant walls shall be reused where possible.

- (b) A method statement for the raking out and re-pointing of the stonework and associated repair details shall be provided. Details of the historic stone coursing, sizes of stone as well as mortar colour shall be provided.
- (c) Full details of any proposed new element, such as tothing-in and repair work proposed. All new elements shall match the historic wall. The use of concrete inner leaf construction is not considered appropriate to the boundary treatment of the protected structure.
- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To protect the character and integrity of the protected structure.

- 4. (a) Development shall not commence until details (including size, species and location) of the two number specimen trees to be planted within the front gardens of the approved mews houses has been submitted to and agreed in writing with the planning authority. The approved planting shall be implemented in the first planting season following completion of the development, and any trees which die or are removed within three years of planting shall be replaced in the following planting season.

- (b) The existing tree within the rear garden of number 6 Ranelagh Road, located outside the application boundary, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open Space Development and Taking in Charge, issued by the Parks and Landscape Services Division of the planning authority).

Reason: In the interests of amenity, ecology and sustainable development.

5. 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.

6. (a) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

- (b) Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. 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 and off-site disposal of construction/demolition waste.

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

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.

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2021