

An
Bord
Pleanála

Board Order
ABP-308865-20

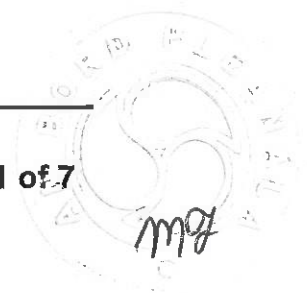
Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3413/20

Appeal by Declan Lernihán and Connor Gunne care of Patrick M. Kerr Architecture of 39A Maynooth Road, Celbridge, County Kildare against the decision made on the 13th day of November, 2020 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: Alterations and extensions to existing vacant and dilapidated coach mews house previously in office use. Works to include removal of non-original fabric including roof slates and windows/doors and installation and repair with new roof slates and windows and doors, cleaning and repairs of existing stone and brick work, construction of new two storey extension to front to provide additional accommodation, alterations, refurbishment and restoration of interior to provide two bedroom plus study mews dwelling house, with new landscaping and boundary walls to rear and all other associated site development works, drainage and et cetera, alterations and changes to existing access and car parking and open space to rear of main property to facilitate works, including first floor balconies to both front and rear facades, all located at 66 Leeson Close, to rear of 66 Leeson Street Lower, Dublin (a Protected Structure).



Decision

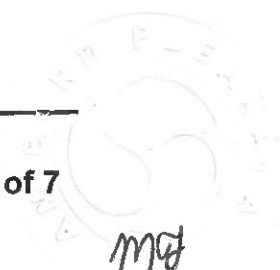
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 pattern of development in the vicinity, including a variety of commercial and residential properties of differing external scale and appearance along Leeson Close, the policy and objective provisions set out in the Dublin City Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development (as amended), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not detract from the character or setting of the adjacent protected structure or of the mews itself, a protected structure and the subject of this appeal. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



The Board was satisfied that the amended development that was submitted with the appeal (dated 10 December 2020) but inclusive of the balcony off the Living Room and Dining areas that was proposed with the original application received by the planning authority on the 21st day of September, 2020 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, as amended by the further plans and particulars received by An Bord Pleanála on the 10th day of December, 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. The proposed development shall be amended as follows:

the balcony accessed off the Living Room/Dining Area that was included in the drawings submitted with the planning application received by the planning authority on the 21st day of September, 2020 shall not be omitted.

Revised drawings showing compliance with this requirement 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. (a) An suitably qualified architect or conservation expert shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All works to the protected structure shall be carried out in accordance with best conservation practice and the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011), and Advice Series issued by the Department of the Environment, Heritage and Local Government. Items to be removed shall be recorded prior to removal, catalogued, numbered and carefully stored to allow for authentic re-instatement.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

4. 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.

5. 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.

6. 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.

7. (a) 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 including any excess soil arising from the proposed excavation of the site.
- (b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

- (c) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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.

9. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (Saint Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

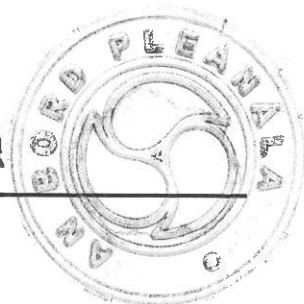
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Dr. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 3rd day of June 2021