

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3163/19

Appeal by Deirdre Smith of 9 Leeson Park Avenue, Dublin and by Sasha Smith and others care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 20th day of September, 202019 by Dublin City Council to grant subject to conditions a permission to Aelred and Maud Doyle care of de Siún Architects of 26 Eustace Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the following works: - removal of circa 1990's 21 square metres two-storey extension to rear, erection of new 40 square metres two-storey extension to side and rear including new opening in rear wall of upper ground floor, alterations to lower ground floor layout, new door ope to bedroom on lower ground floor, renovation works to main house including restoration of sash windows, landscaping works to front and rear garden, new gate in railings to front, new platform for bin store to front garden and all associated site works; all at 10 Leeson Park Avenue (a protected structure), 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 zoning provisions of the current Dublin City Development Plan which seek to protect the existing architectural character of the subject site and its surroundings, it is considered that the proposed development would not seriously injure the residential amenities or property in the vicinity, would not detract unduly from the character and setting of the protected structure, would not be prejudicial to public health and will be generally acceptable in terms of traffic and pedestrian safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In not accepting the Inspector's recommendation to omit the external metal staircase and access door to the hallway and to reducing the length of the proposed extension so as not to extend beyond the rear elevation of the existing dwelling, the Board considered that the external staircase and access doorway was not out of keeping with the overall development proposals,

particularly given its end-of-terrace location and would not be visually prominent when viewed from the front of the property in light of its integration with the proposed side extension and taking account of the railings at the front. It was considered that the external access was an appropriate design solution to permit access to the first floor without compromising the character and setting of the protected structure. In relation to the suggestion to reduce the length of the rear extension in line with the rear of the existing building line of the dwelling, while the Board noted the issues raised by the Conservation Officer and the third parties in relation to the impact on the character of the protected structure, taking account of:

- (i) the modest scale of the proposed extension at 40 square metres,
- (ii) the irregular shape of the dwelling plot which necessitates a bespoke design solution,
- (iii) the modifications to the design submitted as further information to the planning authority to reduce the depth of the rear extension by 300 mm, and
- (iv) the fact that there is no clearly defined rear building line with the rear of neighbouring dwellings stretching further back than what is proposed in this development,

it considered that there is sufficient justification and rationale to permit the development as proposed and not seek a further reduction in the depth of the rear extension, and that the extension as proposed would not have a detrimental impact on the character and setting of the protected structure.

The Board also noted that the inclusion of privacy fins along the entire western elevation of the rear extension first floor level, as deemed acceptable by the applicants in their submission to the Board, would adequately address any concerns regarding overlooking or impact on residential amenity.

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 to the planning authority on the 26th day of August 2019, 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 agreement particulars.

Reason: In the interest of clarity.

2. The proposed privacy fins shall be extended along the entire section of the western elevation at first-floor level.

Reason: In the interest of protecting the residential amenity of the adjoining structures.

3. All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

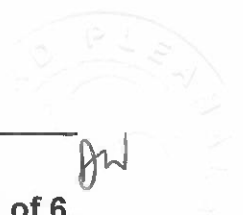
Reason: In the interest of public health and to ensure a proper standard of development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.

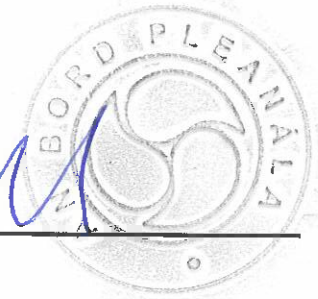

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.



7. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Part 1 of Schedule 2 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.



Dave Walsh

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

Dated this 25th day of February 2022.