



An  
Bord  
Pleanála

Board Order  
ABP-310383-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2379/21**

**Appeal** by Damien and Thelma Davey care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 6<sup>th</sup> day of May, 2021 by Dublin City Council to grant subject to conditions a permission to Orla Marron and Bojula Enrque Torao Garcia care of SFD Architects of 215 Upper Rathmines Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a new flat roofed single storey extension with two rooflights to the rear of 201 Upper Rathmines Road, the exterior of the building and its curtilage is a protected structure. The application includes demolition of the original single storey lean-to section at the end of the rear return, demolition of a section of wall at ground floor of the rear return, demolition of the original garden shed, demolition of three non-original single storey rear extensions of four square metres, 1.5 square metres and 2.3 square metres respectively, removal of non-original window to rear of dining room, to create door to the proposed extension, replacement of roof light to the rear return roof, some repairs and associated site works. The application also involves widening of the existing vehicle entrance to the rear,

new gates, and new garden shed at end of garden, all at 201 Upper Rathmines Road, 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 nature and scale of the proposed development, the overall design and scale, which is subordinate in scale to the existing dwelling on site and structures in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area and would not adversely affect the character and integrity of the protected structure on site and those on adjoining sites, and the Architectural Conservation Area in which it is located. 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 external finishes on the walls 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. The developer shall comply with the following conservation requirements:
  - (a) a Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works, and



- (b) all works hereby approved shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011.

**Reason:** To ensure that the integrity of the adjacent protected structure is maintained and that all works are carried out in accordance with best conservation practice.

4. 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.

5. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and the amenities of the area.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this 24<sup>th</sup> day of Nov. 2021.