

Planning and Development Acts 2000 to 2020

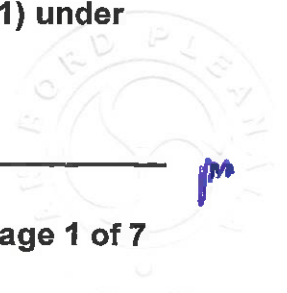
Planning Authority: Dublin City Council

Planning Register Reference Number: 2493/21

Appeal by Caitríona Ní Chúiv of 7 Marine Parade, Sandymount, Dublin and by Karen Clarke and Alan Giles care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 21st day of May, 2021 by Dublin City Council to grant permission to Karen Clarke and Alan Giles for development comprising an attic conversion of habitable use to include a new metal-clad dormer window to the rear roof, a rooflight to the front roof and works to provide a new vehicular entrance from Marine Drive including partial removal of existing plinth and railings, dishing of the public footpath and associated site works at 9 Marine Drive, Sandymount, Dublin (There is an earlier application for a first floor extension to rear (planning register reference number 2085/21) in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for attic conversion of habitable use to include a new metal-clad dormer window to the rear roof, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.



REFUSE permission for works to provide a new vehicular entrance from Marine Drive including partial removal of existing plinth and railings, dishing of the public footpath and associated site works based on the reasons and considerations marked (2) under

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 (1)

Having regard to the design, nature, scale, and extent of the attic conversion to habitable use which includes a new metal clad dormer window to the rear roof, it is considered that, subject to compliance with the conditions set out below, the proposed development would be satisfactory in the context of the visual amenities of the area and its location within the designated Sandymount Architectural Conservation Area. This element of the proposed development would also be acceptable in the context of adjoining amenities and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed 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. The proposed development shall be amended as follows:
 - (a) The dormer extension shall be set back a minimum of 0.5 metres from the eaves of the house.
 - (b) The roof light on the front roof slope of the house shall be omitted.
 - (c) The vehicle entrance and associated works shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and the protection of residential amenities of adjacent properties.

3. Prior to commencement of development, detailed structural drawings and a construction methodology statement, indicating the means proposed to ensure the protection of the structural stability of the roof structure and the gable wall, shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and retain the existing elevations as well as roof structure as proposed, demolition, reinstatement works and how as much original built fabric is maintained including detailing the juxtaposition between original and new building layers.

Reason: In the interest of preserving the heritage value and stability of the retained structure and the terrace group it forms part of.

4. Details of the materials, colours, and textures of all the external finishes to the proposed development, 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. 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.

6. Site development and building works shall be carried out only between the hours of 0800 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.

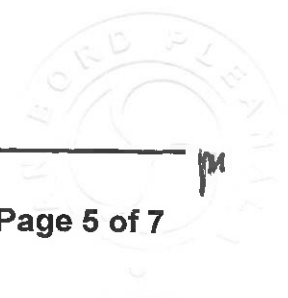
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The site development works, and construction works shall be carried out in such a manner as to ensure that the public roads are kept clear of debris, soil, and other materials and if the need arises for cleaning works or repair to be carried out to the same, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining lane and roads are kept in a clean and safe condition during construction works in the interests of orderly development.

8. The construction of the development shall be managed in accordance with a Construction 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 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.

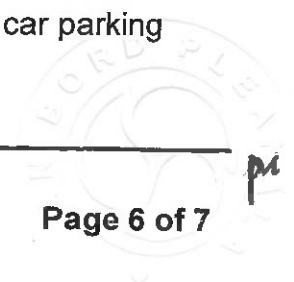


9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Reasons and Considerations (2)

The proposed vehicular access onto Marine Drive would result in the removal of on-street parking to accommodate a private vehicular access which would be contrary to Policy MT14 and guidance set out in Section 16.38.9 of the Dublin City Development Plan, 2016 to 2022, which seeks to retain on-street parking as a resource for the city for both residents and the public. In addition, the proposed development fails to meet the required minimum standards for such works and as a result of the inadequate depth of the front garden has the potential to give rise to conflicts between vehicles and vulnerable road users by way of overhanging and the manoeuvring required to access and egress from the proposed car parking space.



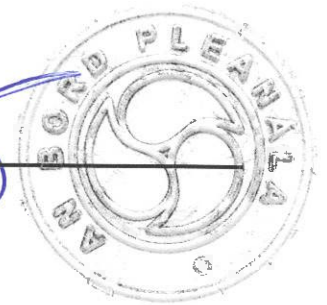
Furthermore, it would result in the loss of original built fabric from a roadside boundary of an attractive period property that forms part of the Sandymount Architectural Conservation Area. It would also set an undesirable precedent for similar developments which cumulatively would diminish the character and quality of this Architectural Conservation Area for which it is a development plan policy to protect under Policy CHC 4 from development that would not contribute positively to its character and distinctiveness. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *4th* day of *NOVEMBER* 2021.