



An
Bord
Pleanála

Board Order
ABP-310554-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2154/21

Appeal by Anne Neary and Conor Farren care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 21st day of May, 2021 by Dublin City Council to grant subject to conditions a permission to William Gallagher care of Dixon McGaver Nolan Architects of 14 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing two-storey coach-house from ancillary residential accommodation to self-contained dwelling, with access from Rathgar Place, for widening of existing opening in abutting boundary wall to lane from 1.8 metres to 2.6 metres wide to form vehicular entrance and all associated landscaping and site development works. Retention permission is sought for minor internal alterations to existing coach-house at Rear of 172, Rathgar Road, Rathgar, 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 Protected Structure status of 172 Rathgar Road, to the Z2 zoning objective for the area, to the nature of the proposed development which comprises a change of use of a coach house from ancillary accommodation to a self-contained dwelling including the subdivision of the historic plot of the main dwelling to provide adequate private open space, the Board was satisfied that, subject to compliance with the conditions set out below, the proposed development would not have a detrimental impact on the character and integrity of the architectural heritage structures on site, would not seriously injure the residential amenities of the area, would provide a satisfactory standard of accommodation and amenity for future occupants and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 lodged on 26th day of April, 2021 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. Prior to the commencement of the development, the applicant shall submit to and agree in writing with the planning authority, full details of fencing to be erected along the boundary forming the subdivision between the site of the proposed development and the main house along with a fully detailed landscaping scheme to include full details of size, species and location for all trees to be planted along the boundary and full details of the proposed arrangements for hard and soft landscaping and boundary treatment. The fencing shall be erected prior to occupation of the dwelling and the planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

Reason: In the interest of residential amenities and clarity.

3. The applicant shall comply with the following requirements to the satisfaction of the planning authority:
- (a) The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: Architectural Heritage Protection: Guidelines for Planning Authorities issued by The Department of Arts, Heritage and the Gaeltacht in 2011.
 - (b) All permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or surviving historic fabric and shall be carried by experienced conservators to the highest conservation standards and historic fabric shall be protected throughout the construction stage. Fabric for repair off site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: In the interest of clarity and best historic building conservation practice.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site/within the garden area for the proposed coach house dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

7. 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this 13th day of Decemb 2021