

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2868/21

Appeal by Liam Brew care of David Mulcahy Planning Consultants Limited of 67 The Old Mil Race, Athgarvan, County Kildare against the decision made on the 26th day of July, 2021 by Dublin City Council to grant subject to conditions a permission to Helen Boland care of Equator Architects Ireland Limited of 31/32 Fitzwilliam Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of amendments to a previously granted planning permission register reference number 4566/19 for a single storey extension and internal alterations to an existing dwelling. The amendments consist of: (a) the increase in the height, width and depth of the single storey rear extension, (b) the three number modulations on the west and east corners of the rear extension walls to be removed, (c) an increase in the width of the glazed link between the existing dwelling and the new extension, (d) the width of the area where the spiral stair is proposed has been increased, (e) the roof to the proposed bay window changed from a flat to a pitched roof, (f) the proposed en-suite between the two existing bedrooms has been omitted and the store changed to a new shower room to the lower ground floor, (g) the brickwork to the front elevation to be repointed, (h) ramp

to the sunken patio removed and proposed new stairs shown, (i) door access point and wall openings under the front entrance stair to be blocked up and rendered, (j) minor internal alterations and (k) all ancillary site works to facilitate the development, all at 9 Palmerston Road, Rathmines, Dublin. (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.

Reasons and Considerations

Having regard to the scale, form and design of the proposed development and to all of the submissions contained on the appeal file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the visual amenity of the surrounding streetscape. The proposed development would not materially affect the character of the Protected Structure or any element of the structure that contributes to its special architectural, historical or archaeological interest. 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 to the planning authority, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted by Dublin City Council under planning register reference number 4566/19, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The roof height of the proposed development shall align with the ridge and eaves level of the extension permitted by Dublin City Council under planning register reference number 4566/19. Prior to commencement of the development, revised drawings to reflect this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual and residential amenity.

4. The conservation methodology shall be carried out in accordance with the requirements of the planning authority. Prior to the commencement of the development, the developer shall submit a full scope of works, specification and conservation methodology of the proposed works to the planning authority for agreement in writing.

All repair/restoration works to the protected structure shall be carried out in accordance with best conservation practice as detailed out in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011) and in accordance with the agreed conservation methodology. The repair/restoration works shall retain the maximum amount possible of surviving history fabric in-situ and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that these elements of the historic structure area maintained and protected from unnecessary damage or loss of fabric.

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 and 1900 from Mondays to Fridays inclusive, between 0800 and 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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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.

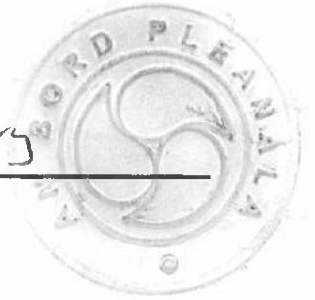
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

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Member of An Bord Pleanála

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



Dated this *25th* day of *October* 2022.