

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3368/21

Appeal by Aidan Williamson care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 11th day of October, 2021 by Dublin City Council in relation to an application by Aidan Williamson for permission for retention of demolition of modern rear garage wall, carried out on foot of planning application reference number 2070/19, and permission to construct a wall and gates along the historical rear boundary line of a protected structure (reference number 599) and the removal of an encroaching council owned tree inhibiting existing vehicular access from Cambridge Road, all at 45 Belgrave Square West, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of demolition of modern rear garage wall, carried out on foot of planning application reference number 2070/19, and to refuse permission to construct a wall and gates along the historical rear boundary line of a protected structure (reference number 599) and the removal of an encroaching council owned tree inhibiting existing vehicular access from Cambridge Road).

Decision

GRANT permission for retention of demolition of modern rear garage wall, carried out on foot of planning application reference number 2070/19 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 to construct a wall and gates along the historical rear boundary line of a protected structure (reference number 599) and the removal of an encroaching council owned tree inhibiting existing vehicular access from Cambridge Road, based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the non-original nature of the rear garage wall and to the proposal for the replacement boundary to be in keeping with the character of the protected structure and the conservation area, the Board was satisfied that, subject to compliance with the conditions set out below, the development for which retention is sought would not adversely affect the character and setting of the protected structure and would not seriously injure the visual amenities of the area. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the development shall be retained 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 condition. Where such condition requires details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

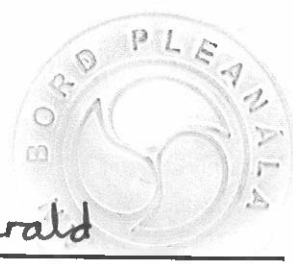
2. Within six months of the date of this Order, details of the replacement boundary treatment to be installed in place of the removed rear garage wall shall be submitted to and agreed in writing with the planning authority. The boundary treatment shall be constructed in accordance with the details approved.

Reason: In the interest of orderly development and visual amenity.

Reasons and Considerations (2)

This element of the proposed development would require the removal of a mature lime tree and is likely to have a negative impact of the root system of another mature lime tree. Both trees are essential elements of the historic 19th Century tree alignment along Cambridge Road. The proposed development would, therefore, conflict with Section 16.3.3 and Policy G128 of the Dublin City Council Development Plan 2016-2022 and the Dublin City Council Tree Strategy (2016-2021) which seek to protect and retain street trees where possible. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed development, the Board noted that the proposed alignment and materials for the boundary and gate would require the removal of one tree and would encroach on the route system of a second tree. The Board considered that the loss of these historic trees was not justified in the particular circumstances of the proposed development, and therefore considered that this element of the proposed development would be contrary to the relevant provisions of the Dublin City Development Plan 2016-2022.



Dr. Maria FitzGerald

Maria FitzGerald

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

Dated this *23rd* day of *May* 2022.