

An
Bord
Pleanála

Board Order
ABP-312086-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

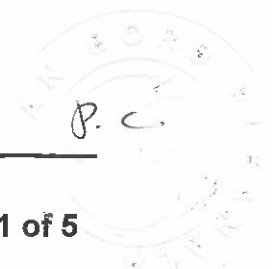
Planning Register Reference Number: D21A/0815

Appeal by Barry and Linda Condrón care of Lyons Kelly Architecture and Design of 5 Fitzwilliam Street Lower, Dublin against the decision made on the 4th day of November, 2021 by Dún Laoghaire-Rathdown County Council to refuse a permission to Barry and Linda Condrón for the proposed development.

Proposed Development: The works will include the demolition of existing outbuildings and extensions, the construction of a two-storey extension to the rear with raised terraces to the front and back and stairs from upper-ground floor level to garden. Alterations to room layouts, changes to two existing window openings to form doors and refurbishment works. No car parking spaces or significant trees will be affected. All at 2 Westbury, Willow Bank, Monkstown, County 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.



Reasons and Considerations

Having regard to the design, siting, massing and scale of the proposed development and to the site context, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area, would not be detrimental to the integrity, character and setting of the protected structure or other protected structures in the immediate vicinity and would not adversely impact on the character of the Vesey Place, De Vesce Terrace, and Willow Bank candidate Architectural Conservation Area. The proposed development is considered to be in accordance with the Objective 'A' zoning objective and Policies HER 8 and HER 13 and Sections 12.11.2.1 and 12.11.4 of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028. 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 received by An Bord Pleanála on the 30th day of November 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 commencement of development, details of the materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

3. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items to be removed for repair or reuse shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of the works.

Reason: To ensure that the integrity of the protected structure is maintained, the structures are protected from unnecessary damage or loss of fabric and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, particularly the Protected Structures and the Vesey Place, De Vesce Terrace, and Willow Bank candidate Architectural Conservation Area.

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. 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.

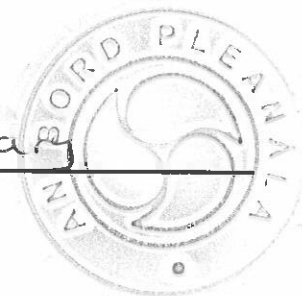
Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 5th day of July 2022.