



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3773/21

Appeal by Tom and Catherine Kelly care of Kieran O'Malley and Co. Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 17th day of December, 2021 by Dublin City Council to grant subject to conditions a permission to Sinead and Conor Crowley care of Niall Browne, The-Architects, 111 Patrick Street, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of either of the following two options:

Option A will consist of: (01) Construction of a two-storey, two-bedroom detached pitched-roof mews dwelling to the rear of the site. (02) Replacement of existing timber fence section of boundary to the north side of the site along Palmerston Court with new boundary wall with one number pedestrian access gate. (03) All associated site works necessary to facilitate the development. This is the preferred option.

Option B will consist of: (01) Construction of a two-storey, two-bedroom detached flat-roof mews dwelling to the rear of the site. (02) Replacement of existing timber fence section of boundary to the north side of the site along

Palmerston Court with new boundary wall with one number pedestrian access gate. (03) All associated site works necessary to facilitate the development. All at 1 Palmerston Road, Rathmines, Dublin (a Protected Structure).

Decision

GRANT permission for the above proposed development (described as Option A) 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 Dublin City Development Plan 2016-2022 according to which the site location is within an area subject to the zoning objective Z2 "To protect and or improve the amenities of residential conservation areas" (Residential neighbourhoods (Conservation Areas)), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential and visual amenities of the residential conservation area, would not adversely affect the character and setting of the Protected Structures on Palmerston Road, would be acceptable in terms of vehicular and pedestrian safety and would provide a satisfactory level of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be completed in accordance with the plans and particulars lodged with the application (described as Option A), 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Before any development authorised by this permission takes place, the existing rubble-built boundary walls of the Protected Structure of 1 Palmerston Road shall be recorded on site by means of architectural drawings and coloured photographs. Details of procedures for the removal of a section of the boundary wall to facilitate the proposed new pedestrian access along the northern boundary, as well as the proposed protective measures to ensure the retention of the remaining elements of the rubble-built boundary wall, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the preservation of an item of architectural heritage value.

3. The upper floor windows in the west-facing elevation shall be omitted in entirety. Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the protection of the residential amenities of the adjoining property.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed house without a prior grant of planning permission.

Reason: In the interest of residential amenity having regard to the restricted configuration and size of the site.

6. Site development and building works shall be carried only out between 0700 hours to 1800 hours Mondays to Fridays, inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. 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.

8. 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.

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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 19th day of Sept. 2022.

