

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3791/21

Appeal by MOB Accountants Limited care of AKM Design of Unit 6, Kingswood Business Centre, 4075 Kingswood Road, Citywest Business Campus, Dublin against the decision made on the 6th day of January, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: PROTECTED STRUCTURE (Reference 6741) : Demolition of single storey studio building 17 square metres and construction of replacement single storey studio building 34 square metres, replace boundary with natural stone wall, new railings and landscaping and all associated site works at Bushfield House, 57 Philipsburgh Avenue, Dublin.

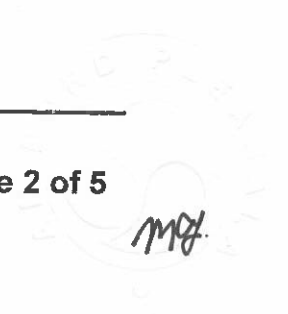
Decision

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 existing pattern of development in the area and within the curtilage of Bushfield House, a Protected Structure, to the planning history of the site, to the nature, scale and siting of the proposed studio structure which is to replace an existing smaller studio structure on the site, the Board was satisfied that the proposed development would not have an adverse impact on the character and setting of the Protected Structure and would not seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the modest single - storey nature of the proposed studio which is to replace an existing smaller studio structure on the site, to its siting adjacent to a largely blank side wall elevation of the Protected Structure, to the amendments proposed at appeal stage to further reduce the height of the structure by 0.40 metres and was satisfied that the proposed development by reason of its height and form would not have a negative adverse impact on the integrity, character, context and setting of Bushfield House and would not seriously injure the visual amenities and character of the area.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 2nd day of February, 2022, 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. Details of the materials, colours and textures of all the external finishes to the proposed studio shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Board noted that the proposed wall finish provided for a selected brick finish i.e., tumbled red brick and considered that a more contemporary finish e.g., a plaster finish would be more appropriate for this modern intervention within the curtilage of the Protected Structure, details of which could be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. 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.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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 *7th* day of *June* 2022

