

An
Bord
Pleanála

Board Order
ABP-313197-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 2966/21

Appeal by Michael Gilbert care of ODKM Architects of 50 Mount Street Upper, Dublin against the decision made on the 8th day of March, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Works comprising (a) construction of a new three-storey detached dwelling with a floor area of 162.7 square metres. The proposal includes a covered driveway, one number covered car parking space for new residential unit, bin store, cycle store and entrance to dwelling at ground floor level, living accommodation at first and second floor levels with a new terrace (11.6 square metres) at first floor level to the rear, (b) two number car parking spaces will be retained for existing commercial building at 25 Baggot Street Lower and access will be provided through covered driveway and private open space to the rear of new dwelling. New sliding vehicular gate to separate private open space to proposed dwelling from car parking for existing commercial building, (c) elevational alterations to existing boundary wall to Fitzwilliam Lane including the removal of existing brickwork (not original fabric) from on top of the existing random stone boundary wall which will be retained, protected and consolidated as necessary. Existing vehicular entrance width will be retained and fitted with new vehicular gate with

pedestrian gate within, (d) other existing boundary walls will be retained, protected and consolidated as necessary and (e) all associated site and landscaping works. Note that there are no works proposed to 25 Baggot Street Lower, Dublin, which is a Protected Structure (RPS Ref Number 349), as part of this application, all at 25 Fitzwilliam Lane, Dublin which was originally part of the curtilage of 25 Baggot Street Lower, Dublin which is a Protected Structure (RPS Ref. Number 349).

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 Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011, the Dublin City Development Plan 2022-2028, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be permissible in principle under the Z1, sustainable residential communities, zoning of the site. The siting and design of the proposed mews dwelling would complement both the adjacent frontage property at 25 Baggot Street Lower, which is a protected structure, and the streetscape of Fitzwilliam Lane, and this mews dwelling would provide a satisfactory standard of amenity to future occupiers and would not seriously injure the amenities of the area. The proposed retention of two number car parking spaces to serve the users of the frontage property would lead to a reduction in vehicular manoeuvres to and from the site and any attendant hazard. 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 submitted to the planning authority on the 3rd day of February, 2022 and by the further plans and particulars received by An Bord Pleanála on the 1st day of April 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. The proposed development shall be amended as follows:
 - (a) a methodology for the removal of the brick courses from the top of the rear boundary wall to the site and any treatment of the stonework thereby exposed, and
 - (b) the height and design of the new means of enclosure proposed for the rear garden and the gate to the area beyond within which the two number retained car parking spaces would be laid out.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of good conservation practice and visual and residential amenity.

3. Details of the materials, colours, and textures of all the external finishes to the proposed news dwelling and all the external finishes to accompanying surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

5. Surface water drainage arrangements 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 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 residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise

management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed mews dwelling without a prior grant of planning permission.


Reason: In the interests of conservation and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

10. 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.



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

Dated this 14th day of September 2023.