



An
Bord
Pleanála

Board Order
ABP-313358-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3174/22

Appeal by Daniel O'Connell care of James McNerney Planning Consultant of 8 Rochford Park, Kill, Naas, County Kildare against the decision made on the 24th day of March, 2022 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: Construction of a single two-storey, one-bedroom mews house with garden, accessed via Grosvenor Lane at the rear of the existing property, including demolition of an existing garage and all ancillary works, all at 64 Grosvenor Square, Rathmines, Dublin. (64 Grosvenor Square is 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 Dublin City Development Plan 2022-2028, the "Z2" zoning objective pertaining to the site, 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 not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of visual amenity and of traffic safety and convenience. 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, 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. No additional development, normally exempted under Schedule 2, Article 6, Part 1 Exempted Development General (Development within the curtilage of a house) shall take place to the rear of the mews dwelling or the host dwelling 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.



3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a detailed landscaping plan indicating a party boundary between the open space (54 square metres) to serve the host dwelling and the open space to serve the proposed mews dwelling (20 square metres). The landscaping plan shall include details of hard and soft landscaping, planting, and if any trees or plants die or are otherwise lost within a period of five years, they shall be replaced by a plant of the same species variety and size within the planting season following such loss.

Reason: In the interests of residential and visual amenity.

4. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

5. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

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

Reason: In the interest of visual amenity.

7. (a) Prior to commencement of works on site, the developer shall submit to and agree in writing with the planning authority the following information:

A full drawing survey including photographic record of existing boundary walls and the existing rear wall shall be provided along with detailed information on the extant materials, coursing and joint details. The extant historic stones that are proposed to be removed from the rear boundary wall shall be reused within the scheme elsewhere on site, such as in the repair of the remaining historic boundary walls or in the construction of new walls. A detailed drawing shall be submitted identifying their reuse within the site. Detailed schedules of any repair and reinstatement works, to best conservation practice, that are required to the historic walls should be provided. A method statement for the raking out and re-pointing of the stonework and associated repair details are to be provided. Details of the historic stone coursing, sizes of stone as well as mortar colour are to be provided. Full details of all proposed new elements, such as toothing-in and repair work shall be required. All new elements will match the historic walls.

- (b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (c) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: To protect the character and integrity of the Protected Structure.

- 8. Water supply and drainage arrangements, including the attenuation and 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.

- 9. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann prior to commencement of development.

Reason: In the interest of public health.

- 10. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

11. 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 17th day of July 2023.