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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3905/21**

**Appeal** by Brendan Gaffney and Valerie Smith care of John Henry of 83 Swords Road, Whitehall, Dublin against the decision made on the 6<sup>th</sup> day of May, 2022 by Dublin City to grant subject to conditions a permission to Rachel Keane care of John McLaughlin Architects of 5 Adelaide Street, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development of a part two-storey, part three-storey mews house at 18A Fitzgibbon Street, within the Mountjoy Square Architectural Conservation Area. The development will consist of the demolition of the existing single storey shop structure and the construction of part two-, part three-storey mews house. It includes entrance, storage, ground floor WC, a home office, and a bedroom at ground floor; open plan kitchen-dining and living area at first floor, a bedroom, bathroom at second floor, all measuring 120 square metres. It includes an accessible roof terrace measuring 18 square metres at roof level, incorporating renewable technology, as well as a front garden measuring 13 square metres. It will include all associated ancillary works and services, all at 18A Fitzgibbon Street, 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 site's location on serviced land within the inner city, the nature and scale of the proposed development, and the pattern of recently permitted infill residential developments in the immediate vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 the planning authority on the 11<sup>th</sup> 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The private amenity space at ground floor level to the front of the proposed development on Fitzgibbon Street shall be omitted.
- (b) Revised plans detailing a quantum of approximately 21 square metres of private open space at the roof terrace area, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and of the proper planning and sustainable development of the area.

2. Bin and bicycle storage shall be accommodated within the building footprint at ground floor level.

**Reason:** To ensure an appropriate standard of development and to retain the footpath clear from clutter.

3. The external finishes of 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.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 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. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge) 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.



**Chris McGarry**

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

Dated this 22<sup>nd</sup> day of August 2023.