

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3753/21

Appeal by Anne Neary and Conor Farren of 12 Rathgar Place, Dublin against the decision made on the 14th day of June, 2022 by Dublin City Council to grant subject to conditions a permission to Leah Moore care of Minnow Design of Space Studio, Link Road, Glathule, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of change of use of existing two storey coach-house to self-contained two bed dwelling, reinstatement of first floor, replacement of non-original external block wall to rear/south-east elevation with reclaimed brick panel and glazing. Replace and raise roof by 0.5 metre, four number roof lights to same. New single storey flat grass roofed glazed walkway along south-west garden wall to new two storey pitched roof extension to north-west boundary with artist's mural on the north east gable. New 4.5 metres wide pedestrian and vehicular access to courtyard from side road/Rathgar Place, off street parking space for one car. Some internal modifications and all associated alternations, demolitions, repairs, drainage and site works to this two-storey end of terrace coach-house, a Protected Structure RPS ref 7134 at the rear of 171 Rathgar Road, Rathgar, 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.

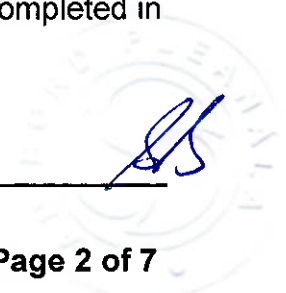
Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, in accordance with the zoning objective for the site, would not adversely affect the character or setting of the protected structure, would not detract from the visual amenity of the area, and would not seriously injure the residential amenity of surrounding properties and would not endanger public safety or convenience by reason of traffic 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 on the 18th day of May 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 development shall comply with the following requirements of the planning authority:
- (a) The new rooflights, on the main roof, shall be an in-line conservation-style installation to minimise the visual impact on the roof of the historic mews building and new extension.
 - (b) The following details shall be submitted for the written approval of the planning authority in advance of the works commencing:
 - (i) A final drawing at 1:20 shall be submitted of the proposed roof arrangement (of the mews building) for the written approval of the planning authority in advance of the works commencing.
 - (ii) A 1:20 drawing of the east elevation clearly indicating how escape from the first floor window behind the fixed timber screen is accommodated (drawing number 2111-F1-0015 submitted to the planning authority on the 18th day of May, 2022) – the proposed aluminium glazed screen and windows shall incorporate the slimmest profiles as possible.
 - (iii) The slimmest profiles possible shall be used in the new glazed screens and door on the west elevation, and the sections shall be designed (if possible) so that the fixed glazing, single door and sliding door frames are visually consistent, avoiding a visual contrast between fixed and non-fixed elements.

- (iv) Investigate an alternative conservation-led structural approach that reflects the simplicity of the original construction, augmented if necessary with a new structural timber or steel framework e.g. supported off a new structural concrete slab that avoids the destabilisation of the historic wall foundations. The use of a breathable insulating plaster (Diathonite or similar) applied to the history stone walls would be preferable – drylining shall be avoided.
- (v) Submit a detailed set of 1:20 and 1:10 structural drawings informed by a further detailed site inspection, and co-ordinated architect's drawings (including the structural proposals).
- (vi) The visible walls of the new extension shall be constructed in brickwork (rather than a render finish), brick sample to be submitted for the written approval of the planning authority in advance of the works commencing.

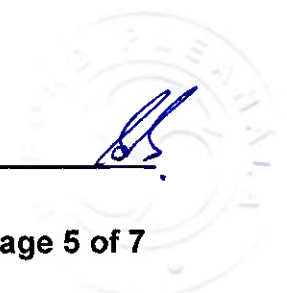
Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at 171 Rathgar Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. (a) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (d) 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: In order to protect the amenity, setting and curtilage of the Protected Structure at 171 Rathgar Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

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. The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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. All necessary measures shall be taken by the Developer and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

8. 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.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *16th* day of *November* 2023.

