



An
Bord
Pleanála

Board Order
ABP-314053-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1356/22.

Appeal by Sinead Kavanagh care of O'Connell Mahon Architects of 9 Fitzwilliam Place, Dublin against the decision made on the 14th day of June, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Removal of the existing single storey rear extensions to the rear (north) and partial removal of the two-storey external walls to the rear and side, external modifications to include repair and repointing of the existing brick façades to numbers 3 and 4, to allow for the three-storey extensions to the rear (north) of numbers 3 to 4 Prospect Square, a three-storey extension to rear and side (east) of number 5 Prospect Square; full removal of roofs at numbers 3, 4 and 5 Prospect Square to allow for the subsequent new second floor extension to the front, rear and side, comprising of roof terraces to the entire front façade, two bay windows to side, one balcony and two Juliet-style balconies to rear, the two number terraced houses at numbers 3 and 4 Prospect Square to be reconfigured to allow for a one-bed residential unit on ground floor and a two-bed duplex on first and second floor, modifications to the existing fenestration on the side of number 5

Prospect Square; five number new rooflights within new zinc roof to all units, two bicycle spaces to one-bed unit within a private rear yard, three bicycle spaces to a two-bed unit within rear service yard; new balustrade and planting to existing front parapet to all units; internal modifications to all existing layouts; and all associated site works to two number existing two-storey terraced houses at numbers 3 and 4 Prospect Square and two-storey end-of-terrace at number 5 Prospect Square; all at 3 to 5 Prospect Square, Glasnevin, 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 nature of the proposed development, the zoning of the site for residential development within an area designated as an Architectural Conservation Area in the Dublin City Development Plan 2022-2028, and the modifications to the development proposed in the appeal to the Board, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would comply with the provisions of the development plan, the De Courcy Square/Prospect Square and Environs Architectural Conservation Area Plan, the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2022, and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht. 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 received by An Bord Pleanála on the 11th day of July 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. Final revised detailed design drawings in respect of the modifications proposed in the submission to An Bord Pleanála on the 11th day of July 2022 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. 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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. Any exterior lighting within the roof terrace of the proposed development shall be designed as such to be fixed downwards. Details of the proposed lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the character of the Architectural Conservation Area.

6. All works to the structures shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of the structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. 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.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

9. 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.

10. 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.

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.

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



Una Crosse

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

Dated this 16th day of January 2024.