



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3892/22

Appeal by Paul Gannon of 25 Fitzwilliam Street Upper Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme and the Supplementary Development Contribution Scheme made for the area in respect of conditions numbers 2 (Development Contribution Scheme) and 3 (Supplementary Development Contribution Scheme) of its decision made on the 5th day of September, 2022.

Proposed Development: Works to the main house include the demolition of extensions to the rear at ground and first floor. The removal of internal partitions and screens at first and second floors and a new opening between the ground floor reception rooms. Alterations to basement layout and partial excavation of basement floor for services. Alterations to the internal layout of rooms at ground floor return, first floor return, second floor and third floor. Construction of a sunroom at ground floor rear with a balcony at first floor return level and access steps to the rear garden. The removal and replacement of a number of non-original window sashes and the reinstatement of the window to the stairs. New french doors from first floor return to new balcony. Repointing of the brick facades front and rear. Reinstatement of a leaded fanlight to the front door. The insertion of

bathrooms and a kitchen with associated services. New mechanical and electrical services with underfloor heating at ground floor level and heat pump with external unit. The addition of solar panels to the roof. Works to the mews include the change of use of the first floor to a one-bedroom flat, ancillary to the main house. The replacement of the roof with the inclusion of a roof light at ridge level and solar panels. New windows and doors. New kitchen and bathroom with associated mechanical and electrical services. Removal of cement render to north elevation and repointing of brick and stone to front and rear at 28 Fitzwilliam Square South, Dublin and 28 Kingram Place, Dublin (Protected Structures).

Decision

The Board, in accordance with sections 48 and 49 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme and the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of conditions numbers 2 (Development Contribution Scheme) and 3 (Supplementary Development Contribution Scheme) and directs the said Council to REMOVE conditions numbers 2 and 3 and the reasons therefor.

Reasons and Considerations

Having regard to:-

- (a) the Section 48 Development Contributions Scheme, 2020-2023 and Section 49 Supplementary Development Contributions Scheme, (LUAS Cross City – Saint Stephens Green- Broombridge) adopted by Dublin City Council,

- (b) the original single historic plot of Number 28 Fitzwilliam Square which extends from the frontage onto Fitzwilliam Square South of the south side of the coach house building to the frontage onto the rear service lane (Kingram Place) which is to remain unaltered,
- (c) the use of the coach house, with no increase in floor area, for storage at ground level and residential use at upper floor level which has not lapsed, and which is ancillary to the residential use of the main dwelling,
- (d) the demolition of the existing extension and the addition of a new conservatory to the main house which results in a reduction in the total floor area for extensions and additions and which does not exceed forty square metres,

it is considered that the planning authority did not correctly apply the terms and conditions of the Section 48 Development Contributions Scheme, 2020-2023 and the Section 49 Supplementary Development Contributions Scheme, (LUAS Cross City – Saint Stephens Green- Broombridge) in attaching Condition Numbers 2 and 3 to the grant of permission.




Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 13th day of May 2024