



An  
Bord  
Pleanála

**Board Order**

**ABP 316288-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4439/22**

**Appeal** by Frank and Rebecca Mitchell care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 21<sup>st</sup> day of March, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Protected Structure (RPS number 6215) (and is a corner site with Cowper Road). The development will consist of:

- (i) the demolition of the existing non-original, single storey rear extension and a section of the northern side wall of the existing kitchen and dining room area at ground floor level;
- (ii) the construction of part one and part two storey extension, with rooflights, to the rear and side of the existing dwelling together with refurbishment works to the existing dwelling;

- (iii) internal works to the dwelling to consist of:
- (a) amendment to existing window in the second floor bedroom;
  - (b) refitting of second floor bathroom;
  - (c) reconfiguration of en-suite bathroom on first floor;
  - (d) provision of a new en-suite bathroom on first floor;
  - (e) conversion of existing first-floor bathroom to bedroom;
  - (f) provision of new skylight to first floor landing;
  - (g) subdivision of mezzanine-level bedroom to provide access to proposed rear extension;
  - (h) conversion of existing study to access to new extension;
  - (i) removal of toilet on lower floor;
  - (j) the reconfiguration of kitchen and dining area as part of the layout of the new extension and
  - (k) insulation of external walls of dwelling;
- (iv) external works include refurbishment of existing windows to include retrofitting with double-glazing and repointing of existing brickwork at front, side and rear elevations;
- (v) removal of existing pedestrian and vehicular entrances from Palmerston Road and Cowper Road and replacement with matching boundary wall treatments;
- (vi) provision of a new vehicular entrance and driveway to the front of the dwelling from Palmerston Road;
- (vii) provision of a new pedestrian entrance from Cowper Road;
- (viii) permission is also sought for any landscaping, alterations to all elevations, drainage and ancillary works necessary to facilitate the development

all at 42H Palmerston Road, Rathmines, Dublin.

## **Decision**

**Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition numbers 3 and 5(a)(iv) and the reasons therefor, and REMOVE condition numbers 4 and 5(a)(i) and the reasons therefor.**

## **Reasons and Considerations**

In relation to condition number 3, the Board considered that the proposed vehicular entrance at this location would adversely impact on the character and setting of the protected structure on the site and the residential conservation area in which it is located by reason of alterations to original boundary railings, amendments to the original front garden layout and relocation of the heritage streetlamp (particularly as there may be alternative solutions for on-site parking to the rear of the dwelling which could mitigate these impacts on the architectural heritage). The Board was also not satisfied that the trip generation associated with the entrance would not have an adverse impact on the adjacent mature lime tree. In addition, the Board considered that a vehicular entrance at this location would create a traffic hazard due to restricted sightlines to the north.

In relation to condition number 5(a)(iv), the Board considered that the attachment of this condition was reasonable in this instance, in the interest of architectural heritage conservation.

In relation to condition number 4, the Board considered the condition unwarranted as the subject long bay window did not adversely impact on the character or setting of the protected structure and overall provided for improved residential amenity within the dwelling.

In relation to condition number 5(a)(i), the Board considered the condition unwarranted as the extension as submitted in response to the further information request did not adversely impact on the character or setting of the protected structure.



**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *20<sup>th</sup>* day of *MARCH* 2024