



An
Bord
Pleanála

Board Order
ABP-316848-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4707/22

Appeal by Tatoria Limited care of Philip Comerford Architects of 36 Scarlet Row, Dublin against the decision made on the 5th day of April, 2023 by Dublin City Council to grant subject to conditions a permission to Carrol Estates Dublin Limited care of Fitzgerald Kavanagh and Partners of 1 Mount Street Crescent, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Material alterations to the existing two-storey mid-terrace mews office building (ridge height circa seven metres above ground level). The mews was rebuilt in mid-20th Century and is within the curtilage of a protected structure listed in the Dublin City Council Record of Protected Structures (RPS) No 357. The application includes the following works: - removal of existing corrugated asbestos sheets roof and replaced with natural slate roof and reinstated to the original mews ridge height (7.3 metres above ground level) to align with adjacent terrace buildings' alterations to elevation to Little Fitzwilliam Place consisting of new door opening, new window opening and timber sliding sash at first floor, replacement of mid-20th century casement window with timber sliding sash at first floor, removal of sand/cement render and replacement with lime harling coat finish, construction of first floor single storey extension (9.4 square metres) to rear to incorporate wc

facilities and winter garden balcony at first floor, internal alterations to include new access stairs at ground floor (five square metres), re-organisation of first floor office area (39.6 square metres) featuring an open plan office with new kitchenette, and new mechanical and electrical works throughout; all at Little Fitzwilliam Place, to the rear of 33 Baggot Street Lower, 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 design, size and scale of the proposed development and to the provisions of the Dublin City Development Plan 2022-2028, in particular Policy BHA14, which promotes the redevelopment and regeneration of mews lanes, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not adversely impact the character of neighbouring Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board considered the information on the file, the Board concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a stage 2 appropriate assessment is not, therefore, required.

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 to the planning authority on the 14th day of March, 2023, 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

3. The developer shall comply with the following conservation requirements of the planning authority as follows: -
- (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 adhere to the highest standards so as to complement the setting of the protected structure and the historic area, and
 - (e) Prior to commencement of development, drawings detailing the discharge of rainwater from the main roof of the mews and the proposed extensions shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to protect the original fabric, character and integrity of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and amenity.

5. 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.

6. Water Supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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 the 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 Line) 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 the 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 4th day of September 2023.