



An
Bord
Pleanála

Board Order
ABP-317107-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1127/23

Appeal by Oisín and Niamh Smith of 7 Walworth Road, Portobello, Dublin against the decision made on the 14th day of April, 2023 by Dublin City Council in relation to an application for permission for a heritage style glazed screen/door to front porch of existing dwelling and alterations to rear vehicular access to allow separate pedestrian access to rear and all associated site works at 28 Belmont Avenue Donnybrook, Dublin which is in an Architectural Conservation Area (ACA) in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for alterations to rear vehicular access to allow separate pedestrian access to rear and all associated site works and to refuse permission for a heritage style glazed screen/door to front porch of existing dwelling).

Decision

GRANT permission for alterations to rear vehicular access to allow separate pedestrian access to rear and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for a heritage style glazed screen/door to front porch of existing dwelling based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Given the existing access arrangements on the laneway, and the narrowness and nature of the laneway, the proposed alterations to the rear vehicular access to allow separate pedestrian access to rear and all associated site works is considered acceptable.

Conditions

1. The development of the rear vehicular access to allow separate pedestrian access and all associated site works shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. (a) The driveway entrance shall not have outward opening gates.
- (b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (c) The developer shall be obliged to comply with the requirements set out in the Code of Practice from the Transportation Planning Division of Dublin City Council.

Reason: To ensure a satisfactory standard of development.

3. (a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (b) New paving shall be carried out in a sustainable manner, as per proposed vehicular access plan on drawing 22-AM-PA2-0100, so that there is no increase in surface water run-off to the drainage network as per Dublin City Development Plan 2022-2028.

Reason: In the interest of public health and amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.



5. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, The Transportation Planning Division and the Noise and Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

6. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures for noise control'.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

7. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during the construction works, in the interest of orderly development.

M.H.

Reasons and Considerations (2)

The proposed front porch screen would have a negative impact on the special historical and architectural character of the dwelling and the Belmont Avenue/Mount Eden Road and Environs Architectural Conservation Area and contravene the provisions of Policy BHA9 of the Dublin City Development Plan 2022-2028. These works would set a highly undesirable precedent for inappropriate works within an ACA, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

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

Dated this *11* day of *September* 2023