



An
Bord
Pleanála

Board Order ABP 317760-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4535/22

Appeal by RSS Irish Estates Limited care of Plus Architecture Limited of Unit 4, Chancery Lane, Dublin against the decision made on the 13th day of July, 2023 by Dublin City Council to grant permission subject to conditions to Mosaro Limited care of RDF Architects and Planning Limited of Unit 19 Charleville Town Centre, Charleville, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of:

- (a) new four-storey building of six apartments comprising one number two-bed apartment and five number one-bed apartments;
- (b) part demolition of existing boundary wall and gateway onto Frederick Lane North;
- (c) associated development bicycle parking, bin stores, screened balconies and hard and soft landscaping;
- (d) proposed drainage system and associated attenuation and all associated site development works to rear of number 29 Frederick Street North, Dublin with development access of Frederick Lane North. No alterations are proposed to the existing protected structure itself all on lands to the rear of number 29 Frederick Street North, (within the curtilage of a protected structure, RPS

reference number: 2978), Dublin with development access off Frederick Lane North.

Decision

Having regard to the nature of the condition 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 number 5(a)(i) and (iii) (b) (c)(i)(ii)(iii) and (iv) and the reason therefor, and to AMEND condition number 5(a)(ii) so that it shall be as follows.

Amend condition number 5(a)(ii) as follows:

- 5(a)(ii) A revised marked-up drawing at a scale of 1:50 detailing what specific works, including any demolition to facilitate the construction of the apartment building, are proposed to the varied sections of the boundary wall with number 28 Fredrick Street to the north. This should include any structural stabilisation required as a result of excavation of the foundations for the proposed structure.

Reasons and Considerations

Having regard to the site's location within an established residential area, the protected structure status of the property, the surrounding pattern of development in the area, the zoning objective for the site and the nature and scale of the proposed development, it is considered that the attachment of condition number 5, as amended, is appropriate in this instance, will serve to protect the amenity, setting and curtilage of the Protected Structure and ensure that the proposed works are carried out in accordance with best conservation practice. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Stewart Logan

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

Dated this 24th **day of** May **2024**