



An
Bord
Pleanála

Board Order ABP-317999-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1526/23

Appeal by Peninsula Suite Property Holdings Limited care of Studio DSQ of First Floor, Tower 3, Fumbally Court, Fumbally Lane, Dublin against the decision made on the 15th day of August, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of removing the existing pitched roof of the two existing dwellings and the construction of a new extension/roof atop both original dwellings at 2 and 3 Mark's Alley West, 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 nature, scale and design of the proposed development; to the buildings on site which are located within the Thomas Street and Environs Architectural Conservation Area; and to the existing and permitted pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be consistent with the policies and objectives of the Dublin City Council Development Plan 2022-2028, including the 'Z4' land use zoning objective for the area, Policy BHA7 Architectural Conservation Areas, and Policy BHA11 'Rehabilitation and Reuse of Existing Older Buildings, would overall contribute positively to the character, distinctiveness, and appearance of the area, the streetscape and the Architectural Conservation Area, and would not impact unduly on residential amenities, traffic or public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. 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 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.



Stephen Bohan

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

Dated this *15th* day of *May*

2024