



An
Bord
Pleanála

Board Order
ABP-318743-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4126/23

Appeal by Frank Kiernan of The Mews, Spire View Lane, Rathgar, Dublin against the decision made on the 23rd day of November, 2023 day by Dublin City Council to grant subject to conditions a permission to Philip Ryan care of DTA Architects of 12-14 College Green, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Removal of the existing tarmac surface, entrance gate, damaged boundary fence to the north, the demolition of the existing shed, nominally 26 square metres, and the construction of a new sedum flat roof detached two storey single family dwelling of nominally 116 square metres on a site at Spire View Lane, to the rear of and within the historical curtilage of number 28 Rathgar Road, a Protected Structure, and accessed from Spire View Lane using the existing vehicular and pedestrian access. Entrance hall, accessible WC, bedroom, storage and open plan kitchen/dining/ living with one rooflight, external storage and carport with one car space and bin store on the ground floor with bathroom, two bedrooms, ensuite, storage, double height void and five rooflights to the first floor and PV photovoltaic panels to the first floor flat roof. Associated works including

enabling, temporary, drainage and landscape works to the front, sides and rear, including the retention of the existing tree, a new granite wall to match existing to the boundary with number 28 Rathgar Road to the east, new wall to the boundary with the adjoining house 'The Mews' to the north east and north west, new sliding entrance gate, permeable surfaces and terrace, planting, trees and air to water heat pump on site at Spire View Lane, to the rear of 28 Rathgar Road, Dublin (a Protected Structure).

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 zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not adversely impact on the character of the protected structure and would be acceptable in terms of access and connection to services. 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, as amended by the further plans and particulars received by the planning authority on the 27th day of October 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. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure. All works shall be carried out in accordance with best conservation practice with minimal interference or loss of historic fabric.
- (b) 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.
- (c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (e) Should any evidence of historic fabric be uncovered during the works, it shall be recorded and considered in the detail design of the new dwelling. The Conservation Officer shall be informed if any historic fabric is found to still exist on the site and a proposal for how it shall be dealt with within the development shall be agreed with the Conservation Officer.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 3. Prior to commencement of development the applicant shall submit the following information for the written approval of the planning authority:
 - (a) A method statement and drawings shall be provided for the excavation and sub structure work including proposed foundations for the proposed dwelling, ensuring the historic boundary wall is not undermined or compromised during the work. A methodology for protecting the existing historic walls during the works shall also be provided.
 - (b) The applicant is proposing to use salvaged granite from the site to construct a new boundary wall between the proposed dwelling and the main house at number 28 Rathgar Road. The proposed boundary wall shall match the historic walls in material, coursing and construction and any additional granite required for the wall shall match the existing on site.

- (c) Details of the finishes shall be submitted for approval, including the brick and solid aluminium panels. Details of the coping at parapet level shall also be submitted.

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. Site development and building works shall be carried out only between the hours of 0800 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. Water supply and 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 interests of public health and surface water management.

6. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

7. Proposals for a development name/unit identification and house numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. 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.


Stewart Logan

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

Dated this 7th day of August 2024