



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4076/23

Appeal by Kevin McCarthy care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 5th day of January, 2024 by Dublin City Council in relation to the application by Kevin McCarthy for permission for development comprising external development works to existing dwelling which is a Protected Structure, consisting of the installation of solar panels to south facing roof slope, comprising of 22 number PV panels totalling circa 43 square metres in area. Retention permission is sought for the existing single storey roofed terrace to rear garden totalling 37 square metres in area, the installation of seven number 210 litre rainwater harvesting butts located to side of dwelling behind front street facing pedestrian gate and for timber cladding to rear boundary walls at 33 Chelmsford Road, Ranelagh, Dublin in accordance with the plans and particulars lodged with the said Dublin City Council (which decision was to grant subject to conditions a permission for the installation of solar panels and for the retention of the installation of seven number 210 rainwater harvesting butts to side of dwelling behind front street facing pedestrian gate and to refuse permission for the retention of the existing single storey roofed terrace to rear garden totalling 37 square metres and timber cladding to rear boundary walls).

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

The Board has considered, subject to compliance with the conditions set out below, that the works proposed to be carried out, comprising the installation of solar panels to south facing roof slope, would not seriously injure the visual amenities or architectural character of the area. The Board considered that the retention of the rainwater harvesting butts located to the side of the dwelling would be in accordance with the proper planning and sustainable development of the area and that the retention of the timber cladding to rear boundary walls would not, having regard to it being an independent structure, materially affect the integrity of these walls. Therefore, these developments, both proposed and to be retained, would not conflict with Policies BHA 2 or BHA 22 of the Dublin City Development Plan 2022-2028 and would be in accordance with the proper planning and sustainable development of the area.

The Board did not share the view of its Inspector that the retention of the existing single storey roofed terrace does not detract from the protected structure. However, having regard to its reversibility as well as the case made by the first party to be given an opportunity to rectify matters, the Board considered it reasonable to grant retention permission for a temporary period.

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 particulars submitted on the 6th day of December 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. The retention permission for the single storey roofed terrace shall be for a period of three years from the date of this Order. This structure shall then be removed unless, prior to the end of this period, permission for its retention shall be obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

3. 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 building and facades structure and/or fabric. All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

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

4. 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.

5. 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, inter alia, include the following requirements:

- (a) Details of the limitations on the hours of operation.
- (b) Details of all necessary measures to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads and the steps to be taken to remove any such spillage or deposit at the developer's expense.

Reason: To protect the amenities of the area.



Joe Boland

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

Dated this 1st day of August 2024.