

An
Bord
Pleanála

Board Order
ABP-319150-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4530/23

Appeal by A. Maniar of 20 Grattan Parade, Drumcondra, Dublin against the decision made on the 9th day of February, 2024 by Dublin City Council to grant subject to conditions a permission to Joseph O'Reilly care of Lawrence and Long Architects of 13 Fitzwilliam Square East, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The refurbishment of the existing dwelling accommodating two existing self-contained apartments. Permission is sought for: (i) demolition of the non-original extensions to the rear and west (adjoining the party wall of number 20 Grattan Parade), (ii) demolition of the western chimney breast at ground floor and first floor (no chimney stack exists above roof level), (iii) replacement of the existing roof currently in very poor condition with a new roof structure, (iv) new internal partition walls at ground and first floor, (v) partial demolition and rebuilding of the damaged southern boundary wall to laneway and formation of a new single storey extension to the rear with a green roof; (vi) reconstruction of the existing one/part two-storey extension to the west of the dwelling; (vii) amendment of window and door opes to the rear façade at ground level, (viii) removal of staircase serving first floor and replacement of same with new stairs in western extension, (ix) replacement of

timber sash window to front elevation with new one-over-one timber sash; (x) provision of new clear glass to fanlight, removal of front door, (xi) provision of non-original vent to front façade and make good ope with brick and (xii) drainage and all associated site development and ancillary works necessary to facilitate the development, all at 21 Grattan Parade, Drumcondra, 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 grounds of appeal, the applicant response and the Z1 residential zoning objective, it is considered that the proposed development, subject to compliance with the conditions set out below, would provide for the upgrade of two pre-1963 residential units on site at number 21 Grattan Parade, a building in a derelict condition, providing a two-bedroom unit at entrance level and a one-bedroom unit at first floor level, would be in accordance with Appendix 18 (Ancillary Residential Accommodation) of the Dublin City Development Plan 2022-2028 in the matter of residential extension, would not have an adverse impact on the residential amenities of adjoining properties, including number 20 Grattan Parade adjoining, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to permit the first-floor balcony, the Board noted Section 1.4 (Privacy & Amenity) of the Dublin City Development Plan 2022-2028, which states that there will be a general presumption against the development of rear balconies and roof terraces.

The Board agreed with the planning authority that the proposed screening would not sufficiently mitigate the serious injury to the privacy and amenity of neighbouring properties and noted that the appellant strongly objected to its inclusion, and the applicant had accepted its omission by the planning authority.

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 5th day of December, 2023 and the 18th day of January 2024, 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. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised drawings providing for the following modifications:

- (a) The proposed balcony to the first-floor apartment shall be omitted. The door to the rear (south) first floor elevation shall be replaced with a window, of the same proportions as the bathroom windows. No flat roof shall be used as a balcony or terrace without a prior grant of planning permission.
- (b) The proposed recessed porch shall be omitted, and the doorcase and fanlight opening shall be retained or replicated. A solid timber door, or part glazed timber door shall be provided

Reason: In the interest of protecting the privacy and residential amenity of the neighbouring property at 20 Grattan Place, and to protect the character and integrity of the late nineteenth century streetscape on the southside of Grattan Parade.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of traffic safety.

5. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

7. 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.

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

Dated this 27th day of September 2024.