



An  
Bord  
Pleanála

**Board Order**  
**ABP-319645-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4579/23**

**Appeal** by Philip O'Reilly of 68 Gandon Close, Harold's Cross, Dublin against the decision made on the 23<sup>rd</sup> day of April 2024, by Dublin City Council to grant, subject to conditions, a permission to Carol English and John McKay care of DMVF Architects of 278 Lower Rathmines Road, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of a non-original conservatory (15 square metres) to the side and a non-original part single storey (34.7 square metres)/part two-storey (64 square metres) extension to the rear and side and a non-original brick wall with arched doorway to the side, and the subsequent construction of a part single storey/part two-storey extension (320 square metres) to the rear and side containing three number rooflights and photovoltaic roof panels and construction of a new meter box enclosure to the front garden. Modifications to the existing house; at ground floor level to include adjustment of opening in rear wall of the main house to new extension, modification of opes in rear wall of rear return to new extension, removal of internal walls of rear return, removal of north-west side wall of rear return to new extension including removal of non-original windows and doors

to this side wall, widening of ope in south-east side wall of rear return to new extension including removal of modern casement window to this side wall, dropping of ground level in rear return, enlargement of ope and double doors between the main reception rooms, insertion of internal window ope into front reception room; at first floor level to include removal of modern window and modification of ope in rear wall of rear return to new extension, reconfiguration of partition walls in rear return, reinstatement of original window to existing bedroom five, removal of modern window to existing wardrobe, removal of modern partition walls in main house to existing wardrobe, partial removal of wall between existing bedroom one and existing bathroom, insertion of new partition and new doorway into existing bedroom two and modification to doorways, modification of doorway to bedroom three; repair and re-pointing works to brick facades, localised minor repair and restoration works to roofs and rendered facades, replacement of pvc rainwater goods with cast iron, refurbishment of original windows to include reglazing with acoustic slim double glazing, removal of modern paint to columns at front door, repair and restoration works to granite steps, cills and plinth and associated site and drainage works, all at number 80 Park Avenue, Sandymount (a Protected Structure), a two-storey semi-detached building on the corner of Park Avenue and Sydney Parade Avenue, 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 and scale of the proposed development, the nature of the receiving built environment, and also having regard to the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect the character or setting of the host Protected Structure, or other Protected Structures in its vicinity. Furthermore, it is considered that the proposed development would not seriously injure the residential amenities of the area or give rise to a heightened risk of flooding and 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 27<sup>th</sup> day of March 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. (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works 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.
- (ii) The applicant shall submit the following architectural conservation details/revisions for the written approval of the planning authority prior to the commencement of development:
- (a) Elevation drawings, floor plans and reflective ceiling plans to show the extent of the proposed conservation repairs to be carried out.
  - (b) Revised ground floor plan that reduces the amount of demolition of structural fabric of the wall between the north side elevation of the return and proposed orangery.
  - (c) Revised first floor plan omitting en-suite bathroom to current Bedroom two (front room to south).
- (iii) The applicant shall submit samples of raking, historically accurate repointing, render, masonry cleaning, paint removal from stone columns, stone repairs to granite steps for the written approval of the planning authority.
- (iv) The proposed development shall be carried out in accordance with the following:

- (a) 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. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (b) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.
- (c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the Protected Structure and the historic area.

**Reason:** In order to protect the amenity, setting and curtilage of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. (a) The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
- (b) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan, 2022-2028, Strategic Flood Risk Assessment, is carried out for the proposed development.

**Reason:** In the interest of proper planning, sustainable development and public health.

4. A bat survey shall be conducted by a suitably qualified bat ecologist and according to Best Practice guidelines, prior to commencement of any roof works. If any potential bat roosts are identified, the Developer shall apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.

This survey shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of proper planning and sustainable development.

5. Site development and building works shall be carried out between the hours of 0700 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health, safety and environmental protection.

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.



**Tom Rabbette**

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

Dated this 28<sup>th</sup> day of Jan. 2025.