

An
Bord
Pleanála

Board Order
ABP-320168-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3154/24

Appeal by Pamela Nicell care of O'Connell Architecture of 22 Bath Avenue Gardens, Dublin against the decision made on the 20th day of June, 2024 by Dublin City Council to grant subject to conditions a permission to Carol Ann Casey care of S.B.L.M. Architects Ireland Limited of 19-20 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of a detached single storey playhouse/shed to the rear garden, addition of a 6.5 L/M timber privacy screen to a section of the northern boundary to the rear garden and a detached bin store to the front garden and permission to extend the privacy timber screen on the northern boundary a further 13.5 L/M towards the main house on the grounds of the existing two-storey over basement level dwellinghouse at 217 Rathmines Road Upper, Rathmines, 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 Z2 Residential Conservation Area zoning for the site, to the nature and scale of the proposed development, and to the provisions of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities (2011), it is considered that subject to compliance with the conditions set out below, the retention of the development would respect the architectural setting and character of the dwelling, a protected structure, and its gardens, would respect the character and setting of the area, and would not seriously injure the residential amenities of the area or of property in the vicinity. The Board considered that although the structures to be retained are modest in scale, the landscaping works proposed by the applicant would further protect the character and amenity of the Residential Conservation Area in accordance with policies BAH2 (Protected Structures) and BHA9 (Conservation Areas) of the development plan. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 24th day of May, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:

The glazing within the southern side facing window of the playhouse/shed structure shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the playhouse/structures shall be restricted to use only for purposes ancillary to the use of the main house as a single dwelling unit. It shall not be used for habitable (that is, sleeping) accommodation, for any commercial purpose or for the keeping of animals, birds or poultry. It shall not be separated from the main house by way of sale or lease, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity and to clarify the scope of the permission granted.

4. Prior to the commencement of the proposed landscaping works on-site, the developer shall submit a report, for the written agreement of the planning authority, prepared by a conservation expert with proven and appropriate expertise, on the works completed and the proposed planting to the front and the rear garden to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

5. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority within three months of the date of this Order.

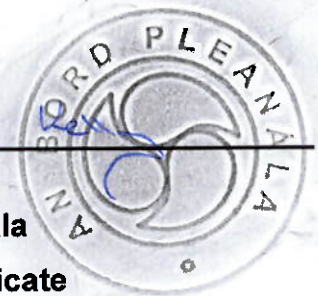
Reason: In the interest of sustainable drainage and public health.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *18th* day of *November*, 2024.