



An
Bord
Pleanála

Board Order
ABP-320536-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3733/24

Appeal by Paul Laird and others care of 26 Lower Rutland Street, Dublin against the decision made on the 16th day of July, 2024 by Dublin City Council to grant subject to conditions a permission to Dublin Simon Community care of Downey Planning of 29 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission is sought for development which consists of the removal of a wall along the western boundary and railing, steps and a shed to the rear with associated remedial/enabling works to the rear including a relocated temporary fire exit and timber access steps to the north/west elevation. Planning permission is also being sought for development which will consist of the demolition of the temporary timber access steps and existing rear staircore, and the construction of a four-storey over basement rear extension providing for eight number one bedroom managed independent living units (two number independent living studio units and six number one bedroom independent living units) with associated courtyards/terraces (to the north, west and east) including opaque glass screen metal canopy to eastern elevation, new external stair to rear, provision

of 12 number external covered bike spaces, provision of new external bin store, installation of PV panels at roof level, landscaping including rear communal garden/amenity area, boundary treatments and all associated site and engineering works necessary to facilitate the development at Numbers 35 (a Protected Structure) and 36 Sean MacDermott Street Lower, 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 established use of the property, the design, nature and scale of the proposed development and the development to be retained, to the pattern and character of development in the vicinity, and to the policies of the Dublin City Development Plan 2022-2028, as well as national guidance including the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011), it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not have a significant adverse effect on the character of the protected structure, would not detract from the character of the area, would provide an acceptable level of residential amenity for the future occupants and would not seriously injure the amenities of adjacent residential property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to 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 and to ensure an appropriate high standard of development.

3. Prior to the commencement of development the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
 - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
 - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
 - (d) materials/features of architectural interest to be salvaged,

Reason: In the interest of the protection of architectural heritage.

4. 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 interest of public health and surface water management.

5. Prior to the commencement of development the developer shall, if necessary, enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment included in application documents shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

8. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board

Dated this 10 day of March 2025