

An
Bord
Pleanála

Board Order
ABP-320653-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4974/23

Appeal by Ivan Robertson and Catherine Murphy of 62 Winter Garden, Pearse Street, Dublin and by others against the decision made on the 13th day of August, 2024 by Dublin City Council to grant subject to conditions a permission to O'Duinn Management and Property Limited care of Gottstein Architects of 42 Dawson Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of construction of a three-storey, two-bedroom mews house, roof terrace and associated boundary walls and site works to the rear of number 10 Pearse Square, fronting onto Byrne's Lane, Dublin, a protected structure RPS Reference Number 6454.

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.

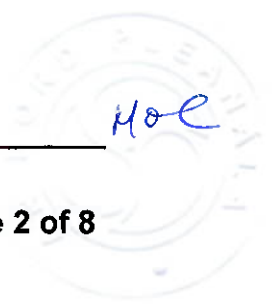
Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the Z2 zoning objective for the area, Policy BHA9 and Section 15.5.2 and the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of the Environment, Local Government and Heritage in January, 2024 and Quality Housing for Sustainable Communities Best Practice Guidelines issued by the Department of the Environment, Heritage and Local Government in 2007, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the proposed development would be acceptable and would not seriously injure the visual or residential amenities of the area. The proposed development 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 17th day of July 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. All glazing on the western elevation shall be fixed permanently with opaque glazing preventing outward views.

Reason: In the interest of residential amenity.

3. The developer shall comply with the following conservation requirements of the planning authority:

- (a) 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,

- (b) the proposed development shall be carried out in accordance with the following:

- (i) 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,

- (ii) all existing original features in the vicinity of the works shall be protected during the course of the refurbishment works,

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- (iii) all repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and
 - (iv) 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,
- (c) the same brick shall be used on the both the front façade and rear façade. The materials used shall be in accordance with the samples provided as part of the further information request, and
- (d) in advance of work commencing on site, the developer shall submit the following information for the written agreement of the Conservation Officer - samples of the brick, brick coursing and pointing to be used on the proposed wall along the eastern boundary of the site with the main house at number 10 Pearse Square, taking note of the existing historic brick on the site and neighbouring plots so that an appropriate brick may be used. A detailed landscape plan identifying all existing boundaries and proposed materials to be used shall be submitted.

Reason: In order to protect the original fabric, character and integrity of the Protected Structure at number 10 Pearse Square, its setting and curtilage, including its architectural detail, fixtures and fittings and materials, and to ensure that the proposed works are carried out in accordance with best conservation practice.

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4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a naming and numbering proposal for the new dwelling.

Reason: In the interest of clarity.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

6. The 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.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. 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 traffic management, dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, complaints management procedures, public liaison and project roles and responsibilities.

Reason: In the interest of environmental protection.

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

Reason: In the interest of clarity.

9. 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.

10. The developer shall pay to the planning authority a financial contribution in respect of the Luas C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

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Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Marie O'Connor

Marie O'Connor

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *25* day of *February* 2025.