

An  
Bord  
Pleanála

**Board Order**  
**ABP-321028-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3545/24**

**Appeal** by Declan Sheehan of 101 Garville Lane, Rathgar, Dublin against the decision made on the 12<sup>th</sup> day of September 2024 by Dublin City Council to grant, subject to conditions, a permission to Tanya Bailey care of Goodwin and Lee Architects of 34 Hillcourt Road, Glenageary, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for reconstruction of existing upper ground floor extension to the rear, construction of a new two-storey extension to the rear, new outdoor terrace to the rear at upper ground floor level, with steps down to back garden level, internal alterations, relocation of the side door on the east façade, new rooflight to the rear, removal of existing shed, construction of a new shed in the back garden and all associated site works. 53 Kenilworth Square South, Dublin. The proposed development is within the curtilage of a Protected Structure (Recorded Protected Structure number 4147).

## 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:

- (a) the zoning of the site under Z2 Residential Neighbourhoods (Conservation Areas),
- (b) planning policies and objectives of the Dublin City Development Plan 2022-2028 including inter alia Policy BHA2 and Section 1.4 of the development management guidelines for ancillary residential accommodation,
- (c) the nature and design of the alterations with consideration of the Protected Structure status of the property,
- (d) the existing pattern of development in the vicinity, with consideration of the conservation status of the area,
- (e) Section 28 Guidelines Sustainable Residential Development,
- (f) Compact Settlements Guidelines for Planning Authorities,
- (g) Architectural Heritage Protection Guidelines for Planning Authorities,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously or disproportionately injure the visual amenity of the area, would not have a significant adverse impact on the residential amenities of adjacent properties, would otherwise be sensitive to the protected status of the property and conservation status of the area, 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 16<sup>th</sup> day of August 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 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 hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

3. Prior to the commencement of development on the Protected Structure the developer shall submit, for the written agreement of the planning authority, confirmation that:
  - (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
  - (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

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

4. The developer shall submit the following details / drawings for the written agreement of the planning authority prior to the commencement of development:
- (a) A conservation led methodology for the cleaning and repair of stone on the rear elevation noting that the use of chemicals are abrasive techniques is not supported. On-site samples for the proposed cleaning work shall be provided.
  - (b) The developer shall confirm how the section of wall above the proposed extension where the existing extension is proposed to be removed shall be finished.
  - (c) The developer shall provide a specification and methodology for the proposed works to the rear extension including details of the rooflight installation's interface with the rear and side elevation of the original structure.
  - (d) The developer shall submit a report including full details of the proposed service runs, elevations showing the location of soil and vent pipes and confirmation from a suitably qualified building services professional with conservation experience that the proposed drainage strategy to run waste pipes parallel with the floor joists for all bathrooms at first floor level will work adequately. Should the proposed strategy be found to be not suitable for the proposed bathroom to the front, this bathroom shall be omitted.

- (e) The developer shall submit details of the proposed passive ventilation strategy for the kitchen, ensuring adequate ventilation for the increased moisture levels that would be in place. The ventilation measures shall be implemented in such a way that does not adversely impact the historical character and fabric of the existing room. Details of the proposed service runs to the room below shall also be submitted, ensuring that services are consolidated as much as possible to limit the amount of service runs required to be made through the floor.
- (f) A method statement for the installation of new window units to the rear and side elevation.
- (g) Revised layout omitting the proposed relocation of the side door to the existing covered side passage on the east facade.
- (h) Details of proposed pocket door and frame installation into between first floor bedroom and dressing area.
- (i) Details of structure and finishes to the terrace and steps.

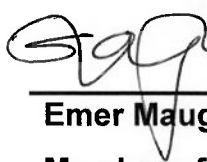
**Reason:** In the interests of architectural conservation

- 5. 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.

**Reason:** In the interest of public health.

6. 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.



**Emer Maughan**

**Member of An Bord Pleanála**

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

**Dated this** 1<sup>st</sup> **day of** April **2025.**