

An
Bord
Pleanála

Board Order
ABP-321097-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3898/24

Appeal by Alexander Hall Owners Management Company care of Hayes Higgins Partnership of 2nd Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin against the decision made on the 30th day of September 2024, by Dublin City Council to grant permission, subject to conditions, to Sherborough Enterprises Limited care of SSA Architects of 42 Haddington Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for a subdivision of an existing four bedroom (401 square metres) 6th floor apartment into four two bedroom apartments, together with change of use of the 7th floor (roof top) sun room and private garden space to communal spaces serving the four new 6th floor apartments all at 33 Alexander Court, 11-14 Fenian Street, 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 information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect to apartment developments as set out in the Dublin City Development Plan 2022-2028 and would not be injurious to 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 9th day of September 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. Each of the proposed apartments shall be used as a single residential unit only and for residential purposes only, shall not be subdivided or used for short-term letting (as defined in Section 3A of the Planning and Development Act 2000, as amended).

Reason: In the interest of orderly development.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.


Reason: To safeguard the residential amenities of adjoining property in the vicinity.

5. 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.

6. The roof garden on level 7 shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:200 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs.
 - (ii) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
 - (b) A timescale for implementation including details of phasing.
 - (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.



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



Dated this 13th day of February 2025.