



An
Bord
Pleanála

Board Order ABP-321149-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3671/24

Appeal by Michael Carty care of Karol O'Mahony Architects of 3rd Floor, 121 Capel Street, Dublin against the decision made on the 30th day of September, 2024 by Dublin City Council to grant subject to conditions a permission to Caroga Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Renovation and extension of the existing dwelling with works, including alterations to fenestration inclusive of the omission of two number windows at first-floor level at the southern elevation to provide one number larger window, enlarging two number windows along the western elevation at ground and first floor levels and replacement of all with PVC/aluminium windows. Alterations to the roof profile inclusive of the removal of three number chimneys and addition of a small apex to the front of the structure. External insulation to be fixed to the exterior walls and new materials to comprise proprietary self-coloured render/sand cement or selected brick. Construction of a part one part two-storey rear extension and associated reconfiguration of the internal layout of the structure. Alterations to front boundary treatment inclusive of widening the existing shared (vehicular and pedestrian) entrance to three metres and provision of a sliding gate and replacement of boundary wall with railings. Construction of a shared surface to provide two number car parking spaces, bicycle parking and a shed with 6.38 square metres

internal floor area. All ancillary works inclusive of landscaping and boundary treatments necessary to facilitate the development. The proposed works will increase the number of bedrooms from four number to six number, all at Kedleston, 60 Inchicore Road, 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 location and character of the site and surrounding area in a serviced urban area, the design, scale and materials of the proposed development, the context of the site, and the proximity of the adjacent protected structure together with the provisions of the Dublin City Development Plan 2022-2028, including the 'Z1' zoning objective for the area, Policy BHA 2, and Appendix 18, it is considered that, subject to compliance with the conditions set out below, the nature and scale of the proposed development would be acceptable, would not seriously injure the visual or residential amenity or the built heritage of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noting that the structure the subject of this application is not a protected structure and having regard to the wider setting did not consider the retention of the chimneys was warranted in this instance. The Board did not share the Inspector's concern with regard to the layout of the car parking and turning area and concurred with the planning authority that the proposed layout is acceptable. The Board considered that the works to the vacant structure on site are welcome and, having regard to the fact that this is an extension to an existing property, conditions with respect to landscaping, other than to protect the rail corridor, are not warranted.

Conditions

1. The proposed 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 6th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external materials and finishes of the proposed development shall include the following:
 - (a) The windows shall be finished with an AluClad material. No PVC shall be utilised for external windows or doors.
 - (b) The external insulation shall be finished with quoins and brick banding replicating the current finish on the dwelling.
 - (c) The bin store/shed shall be relocated within the site away from the shared boundary with the protected structure.

Prior to commencement of development, the developer shall submit revised plans and particulars detailing specifications of all external materials and finishes for the written agreement of the planning authority.

Reason: In the interest of architectural conservation and visual amenity.

3. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable, following consultation with the City Archaeologist of the planning authority and the National Monuments Service, - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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.

4. The front boundary wall shall be retained, the east pillar only shall be carefully dismantled and rebuilt further east (total width of three metres). Prior to commencement of works, a conservation specification and methodology for this aspect of the work and details of the proposed gate shall be submitted for the written agreement of the planning authority.

Reason: To protect the visual harmony between the adjoining protected structure and the streetscape.

5. The developer shall comply with the following requirements of the planning authority:
- (a) The driveway entrance shall be at most three metres in width and shall not have outward opening gates.
 - (b) The footpath and kerb shall be dished and a new entrance shall be provided to the requirements of the planning authority.
 - (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

6. The developer shall comply with the following requirements of Iarnród Éireann:
- (a) The existing boundary between the development site and the railway corridor shall not be altered in any way without prior consent being sought from Iarnród Éireann.
 - (b) No building shall be constructed within four metres of the boundary treatment on the developer's side.
 - (c) No part of the development shall overhang the railway property.
 - (d) No deciduous trees shall be planted directly along the railway boundary.

Reason: In the interest of protecting national transport infrastructure and of orderly development.

7. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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.

8. 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.



Mary Henchy

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

Dated this 19th day of March 2025.