

An
Coimisiún
Pleanála

Commission Order
ABP-322220-25

Planning and Development Acts 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 3900/24

Appeal by James McCarthy and Elizabeth Kelly care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by others against the decision made on the 12th day of March, 2025 by Dublin City Council to grant subject to conditions a permission to Highgate Design Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: New part two-storey part three-storey mews building and all associated site works. The mews building will be accessed from Grosvenor Lane and will contain eight studio apartments. Units 1 and 4 will be duplex units at ground and first floor level, each with a recessed terrace to the front of the building at first floor level facing onto Grosvenor Lane. Units 2 and 3 will be ground floor units, each with a terrace to the rear of the building at ground floor level. Units 5 and 6 will be first floor units, each with a recessed and screened terrace to the rear of the building at first floor level. Units 7 and 8 will be second floor units, each with a roof terrace to the rear of the building at second floor level, with permanent planters providing the

guarding, screening and a setback to each roof terrace from the rear and side of the building. Communal open space will be provided to the rear of the mews building and a new bin and bike store structure will be constructed to separate the site from 50 Leinster Road. The existing side boundary stone walls will be repaired and retained, all at rear of 50 Leinster Road, Dublin (a protected structure).

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 Dublin City Development Plan 2022-2028, as varied, the location of the site within the built up environs of the suburbs of Rathmines, the infill nature of the site and associated policy encouraging appropriate infill and compact development, the location within the curtilage of a protected structure and within a residential conservation area, the height, density, scale, layout and form of the development, and the scale of the proposed development with no significant traffic congestion, traffic safety issues or climate effects likely to result, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 13th day of February 2025, 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 proposed development shall be for 6 residential units only, in accordance with the documents submitted with further information to the planning authority.

Reason: In the interest of clarity.

3. Prior to 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 and that the boundary walls are protected, repaired, consolidated and reinstated;

- (b) a methodology for the treatment and careful removal of vegetation, and conservation repairs to consolidate the boundary walls, including a full drawn survey at 1:50 of the boundary walls, and a suitable stone capping/lime flaunching to prevent further degradation, and for the raking out and repointing of the stonework and associated repair details, together with details of the historic stone coursing, sizes of stone as well as mortar colour;
- (c) any details of features to be temporarily removed/relocated during construction works and their final re-instatement;
- (d) protection of specified features during the construction works;
- (e) materials/features of architectural interest to be salvaged; and
- (f) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish.

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

4. Proposals for a building name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

5. (a) Screen walls shall be provided along the north-east side boundary of the rear terrace of unit number 1 and along the south-west side boundary of the rear terrace for unit number 2. Such walls shall be two metres in height above ground level.
- (b) The screen walls shall be constructed in brick to match the brick used in the building or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the building.
- (c) Details of screening along the eastern terrace boundary of unit number 5 and the western terrace boundary of unit number 06 to avoid overlooking of first floor terraces shall be submitted for the written agreement of the planning authority.
- (d) Ornamental tree planting along the south-west side boundary shall be planted and maintained at a height of two metres above ground level.

Reason: In the interest of residential and visual amenity.

6. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks or other external plant, other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

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, 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 proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting in this regard shall be provided to facilitate broadband infrastructure.

Reason: In the interest of visual and residential amenity.

10. The developer shall comply with the following requirements which shall be agreed in writing with the planning authority prior to commencement of development:
- (a) Road markings along the front of the site on Grosvenor Lane within the area to be taken in charge shall be submitted for the written agreement of the planning authority. All costs associated with the required works shall be at the expense of the developer.
 - (b) Prior to commencement of development, revised details of the cycle parking shall be submitted for the written agreement of the planning authority.

Reason: In the interest of orderly development, residential amenity and sustainable transportation.

11. 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.

12. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann 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.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. (a) The communal open spaces, including hard and soft landscaping, access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the planning authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

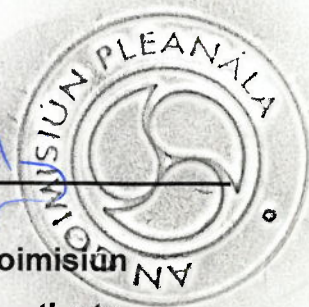
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *7th* day of *October*, 2025.