



An
Bord
Pleanála

Inspector's Report

ABP-318743-23

Development

Protected Structure: Removal of tarmac, demolition of structures, construction of dwelling with all associated site works

Location

Site at Spire View Lane, to the rear of 28 Rathgar Road, Dublin 6

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4126/23

Applicant(s)

Philip Ryan

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Frank Kiernan

Observer(s)

None

Date of Site Inspection

5th February 2024

Inspector

Mary Crowley

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 304 sqm is located at the end of Spireview Lane in the Dublin suburb of Rathmines. The site is currently vacant and is located in the former rear garden No 28 Rathgar Road, which is a Protected Structure. There is currently a single storey shed on the site with a stated area of 25.5m². The site adjoins the rear garden of No 28 and part of the rear garden of No 29 Rathgar Road to the east, No 37 Spire View Lane to the south, the side and rear garden of the adjacent dwelling 'The Mews' to the north and north west, and has access to Spire View Lane to the west. It is noted from the appeal file that the appeal site was in the ownership of No 28 Rathgar Road since 1990, however, it was sold in 2022, and is now in separate ownership. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
- the removal of the existing tarmac surface, entrance gate, damaged boundary fence to the north, the demolition of the existing shed, nominally 26sqm
 - the construction of a new sedum flat roof detached two storey single family dwelling of nominally 116sqm on a site at Spire View Lane, to the rear of & within the historical curtilage of No. 28 Rathgar Road, a Protected Structure accessed from Spire View Lane using the existing vehicular & pedestrian access.
 - Associated works including enabling, temporary, drainage & landscape works to the front, sides & rear, including the retention of the existing tree, a new granite wall to match existing to the boundary with No. 28 Rathgar Road to the east, new wall to the boundary with the adjoining house 'the mews' to the north east & north west, new sliding entrance gate, permeable surfaces & terrace, planting, trees & air to water heat pump.
- 2.1.1. The application was accompanied by the following:
- Conservation Statement & Impact Assessment

- Sunlight & Daylight Assessment
- Architects Design Statement

2.2. Further information was submitted on the 27th October 2023 summarised as follows:

- Applicant has consulted with DCC Drainage Department and their proposal is now in compliance with Policy S123 in relation to Green & Blue Roof Guide (2021).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to grant permission subject to 13 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted as amended by further information
2.	Section 48 Development Contribution
3.	First floor bedroom window (eastern elevation) to be fitted with louvered panel or equivalent to prevent overlooking
4.	Materials, colours and textures to be agreed
5.	Compliance with drainage requirements
6.	Compliance with drainage requirements
7.	Hours of building works
8.	Adjoining roadways to be kept in a clean and safe condition
9.	Noise control
10.	Compliance with requirements of Transportation Planning
11.	No extensions, garages, stores, offices or similar structures shall be erected without planning permission
12.	Conservation requirements including a conservation expert to oversee all works, all works to be carried out in accordance with best conservation practise and guidance, original features to be protected, repair of original

	features to be carried out by experienced conservators and historic fabric uncovered shall be recorded.
13.	Methodology for protecting existing historic walls to be provided, proposed boundary wall shall match historic walls and details of finished to be agreed

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report requested further information in relation to drainage as per the Drainage Department. Further information was requested on the 5th September 2023.
- The **Case Planner** having considered the further information recommended that planner permission be granted subject to conditions. The notification of decision to grant permission issued by Dublin City Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage** – Requested further information in relation to the management of surface water disposal and attenuation storage. Having considered the further information submitted Drainage have no objection subject to conditions.
- **Conservation** – No objection subject to conditions.
- **Transport Planning** – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- 3.4.1. There are 2 no observations recorded on the planning file from (1) Gerald & Pat Costello and (2) Frank Kiernan
- 3.4.2. The issues raised relate to the design and size of the proposed mews, contrary to zoning Z2, traffic impact, loss of privacy and sunlight, noise from sliding gate and construction impacts.

4.0 Planning History

4.1. The following planning history in relation to the appeal is noted from the Local Authority Case Planners Report. There is no evidence of any appeal at this site.

- **Reg Ref 0253/23** – SHEC granted for a mews house at the rear of No 28 Rathgar Road at Spire View Lane.
- **Reg Ref 2700/91** – Planning permission granted on site to front at No 28 Rathgar Road for a vehicular access and car park at front and new single storey shed at rear of apartments.

4.2. It is further noted that there was a similar development at the rear of No 32-33 Rathgar Road, Spire View Lane that was refused by the Board:

- **ABP 307852-20 (Reg Ref 2631/20)** – DCC refused planning permission for the demolition of existing storage buildings and construction of a two-storey, two-bedroom mews building; at rear of 32 – 33 Rathgar Road, Spireview Lane, Dublin. Following a first party appeal the Board refused for the following 2 no reasons as summarised:
 - 1) The proposed new dwelling would not be provided with an appropriate level of private amenity space and would therefore fail to provide an adequate standard of residential amenity for future residents.
 - 2) Proposed development would be unduly prominent and overbearing to neighbouring properties at Spireview Lane by reason of its bulk, scale, massing and visual dominance and would therefore seriously injure the residential and visual amenities of this residential conservation area.

4.3. **PAC No 0250/22** - It is noted that there was a pre-planning consultation between the applicant's architect and DCC in November 2022. Documented concerns raised relate to impact on adjoining protected structures, overshadowing, overlooking poor private open space and impact on amenities of adjoining properties.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Dublin City Development Plan 2022-2028**. The site is zoned “**Z2**” where the objective is “*to protect and / or improve the amenities of residential conservation areas*”. The property is located to the rear of No 28 Rathgar Road which is a **protected structure** in the DCC Record of Protected Structures (Ref No 7031). Conservation Policies are set out in **Chapter 11 – Built Heritage and Archeology**. Relevant policies include:

- **Policy BHA2 - Development of Protected Structures**

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*

- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (j) Have regard to ecological considerations for example, protection of species such as bats.*

▪ **BHA9 - Conservation Areas**

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1) Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2) Re-instatement of missing architectural detail or important features.*
- 3) Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4) Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5) The repair and retention of shop and pub fronts of architectural interest.*
- 6) Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*

7) *The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

- 5.1.2. The **Architectural Heritage Protection Guidelines for Planning Authorities** (2011) and the Advice Series issued by the Department of Housing, Local Government and Heritage provide advice and recommendations relating to development within the curtilage and the attendant grounds of Protected Structures.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The third-party appeal has been prepared and submitted by Frank Kiernan, The Mews, Spire View Lane, Rathgar and may be summarised as follows:

- **Impact on Aesthetics** – Design and scale deviate from the character of the area in terms of height and appears to disregard the Protected Structure status of No 27, 28 and 29 Rathgar Road violating the standards of Section 17.10.2 and Section 14.5 of the Development Plan and Objective Z2 Residential Neighbourhood Conservation Area.

- **Traffic & Infrastructure** – Increased traffic congestion coupled with insufficient parking facilities for the 9-unit apartment building on No 28 Rathgar Road exacerbates similar concerns with this scheme.
- **Privacy & Sunlight** – The height and placement of the proposed structure loom as a direct threat to the tranquillity and natural sunlight the define adjoining homes.
- **Public Consultation** – Requests detailed information on the public consultation process for proposed developments to ensure both individual and community voice is heard.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared a submitted by DTA Architects and may be summarised as follows:

- **Impact on Aesthetics** – The area is characterised by two storey, brick, brick and stone or render and either set back from the lane to provide for car parking or located directly into Spire Lane. Developing this vacant site will enhance the historic setting and its surroundings, help complete the streetscape, increase passive surveillance, and protect the essential character of the area. The height, which is lower than most of the adjoining and surrounding buildings, massing and scale is in keeping with the established precedent and development of the area and of the adjoining and surrounding sites. The development has been designed with full consideration of adjoining protected structures. It is noted that the Conservation Impact Assessment concluded that the conservation impacts resulting from the proposed new dwelling would be imperceptible.
- **Traffic & Infrastructure** – The proposed development includes one car parking space and complies with the requirements of the Development Plan and will not increase pressure for parking Spire Lane. No 28 has been in flats since 1965 and since 1980 contains ten flats with parking facilities provided in the front garden which is accessed directly off Rathgar Road.
- **Privacy & Sunlight** – The proposed location on the site is derived from the shape of the site, the adjoining properties, the orientation and to prevent any overshadowing on the surrounding properties. The results of the Daylight and Sunlight Assessment along with a Shadow Study show that the proposed dwelling

will have a negligible level of impact as per the BRE Guidelines under all metrics assessed, on all residential properties and amenity spaces that are in close proximity to the site. The development has been designed and located back from the site boundaries on all sides to avoid negatively impacting adjoining properties by reason of loss of privacy.

6.3. Planning Authority Response

6.3.1. Dublin City Council set out the following in their response:

- The Board is asked to uphold their decision to grant permission.
- Recommended that conditions to be attached include a Section 48 Development Contribution and a naming and numbering condition.

6.4. Observations

6.4.1. None

6.5. Further Responses

6.5.1. A further submission was received from Frank Kiernan, The Mews, Spire View Lane, Rathgar and may be summarised as follows:

- Applicant is proposing a structure brick house approx. 11m x 6m at a height of 6.7m which will be approx. 4m from the appellants front door. The scheme will impact the appellants quality of life as a result of lack of sunlight and overshadowing.
- **Height, Scale and Massing** – The proposed structure will block all sunlight to the garden overshadowing the appellants patio, their sitting room, dining room and two upstairs bedrooms.
- **Vehicle Auto Tracking** – The route of the vehicle shown is not possible as cars are parked on the west side of the Lane and the North End.
- **Aesthetics** – Permission granted in 1974 for No 28 Rathgar Road. Queried how the car park has been separated from No 28 Rathgar Road.
- **Privacy** – the footprint of the house is in the northwest corner of the site. This is the location that most impacts the appellants home.

- **Design Concept** – Reg Ref 2631/20 was recently refused due to impact on the surrounding historical houses.
- **Design Team** – The conservation impacts are not imperceptible. Queried if historical properties were notified. No notice was posted on Rathgar Road.
- **Private Open Space** – Queried if the number of bed spaces at No 28 Rathgar Road has increased.

7.0 Assessment

7.1. I note the concerns raised with regard to the historic grant of planning permission at No 28 Rathgar Road and public notices. These are matters for the Local Authority and I do not propose to deal with same here.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Amenity
- Traffic Impact
- Residential Amenity
- Public Consultation
- Other Issues
- Appropriate Assessment

7.3. Principle

7.3.1. Under the provisions of the Dublin City Development Plan 2022-2028 the site is wholly contained within an area zoned Sustainable Residential Conservation Area – Zone Z2 where the land use zoning objective is “*to protect and / or improve the amenities of residential conservation areas*” and where residential development is a permissible use. Accordingly, the principle of the development of a house at this location is

acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.4. Visual Amenity

- 7.4.1. The appellant raises concerns that the design and scale of the scheme deviates from the character of the area in terms of height and is without appropriate regard to the Protected Structure status of No 27, 28 and 29 Rathgar Road. Reference is made to the standards set by *the 17.10.2 guidelines of development*, Section 14.5 of the Development Plan and Objective Z2 Residential Neighbourhood Conservation Area.
- 7.4.2. It is unclear as to what *17.10.2 guidelines of development* refer to. Chapter 17 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) refers to Alterations to Enhance Fire Safety and does not appear to be relevant to this case. Section 14.5 of the Development Plan refers to Non-Conforming Uses. As set out above a residential development in an area zoned Z2 Sustainable Residential Conservation Area – Zone Z2 is an acceptable use in principle.
- 7.4.3. I refer to the Conservation Statement and Impact Assessment submitted with the application. The site was formerly the rear garden of No 28 Rathgar Road, and it is stated that it was within its curtilage until 2022, when it was sold. No 28 is now a multiple occupancy unit. Even though the appeal site is now in separate ownership from No 28 Rathgar Road, I agree with the Case Planner that this would still be considered the attendant grounds of the Protected Structure and together with its zoning status as *residential conservation area* special care and attention is required for any proposed development on this site. In this regard I refer to Chapter 11: Built Heritage and Archaeology of the current Development Plan and in particular Policy BHA2 *Development of Protected Structures*, Policy BHA9 *Conservation Areas* and Policy BHA14 *Mews*. See Section 5.1 Development Plan above for further details.
- 7.4.4. Within established conservation areas such as this there is always opportunity to encourage high quality, innovative, modern design that contrasts with the existing building form. Any new development to the rear of a protected structure should, however, ensure the conservation and enhancement of the particular character of the area in which it is located. The development as proposed is designed to contrast with the existing buildings and adjoining Protected Structures to form a compatible,

innovative modern interpretation of the traditional mews development. I consider this contemporary design to be architecturally compatible with its surroundings and that to permit same would not detract from the integrity of the adjoining protected structures or character of the area. Accordingly, I am satisfied that the design and scale of the dwelling proposed is acceptable at this location.

7.5. Traffic Impact

- 7.5.1. The appellant has raised concerns that increased traffic congestion coupled with insufficient parking facilities for the 9-unit apartment building on No 28 Rathgar Road exacerbates similar concerns with this scheme.
- 7.5.2. An off-streetcar parking space has been provided to the front of the proposed development in the form of a car port. It is noted that DCC Transportation Planning have no stated objections to the scheme subject to standard conditions. Accordingly, I am satisfied that vehicular access to the appeal site together with off streetcar parking has been established and is acceptable.
- 7.5.3. No planning history has been provided regarding No 28 Rathgar Road and therefore it is difficult to establish definitively the number of residential units within the building and corresponding car parking provision. I note that the Case Planner states that it *is not clear of the status of these units, and whether they are Pre 63 status*. It is further noted that the applicants state in their response to the appeal that *No 28 has been in flats since 1965 and since 1980 contains ten flats with parking facilities provided in the front garden which is accessed directly off Rathgar Road*. It was observed on day of site inspection that there is availability for off streetcar parking to the front of the building accessed from Rathgar Road but it is unclear the quantity of spaces available.
- 7.5.4. Given the established provision of off streetcar parking at No 28 Rathgar Road together of the location of the appeal site within an established residential neighbourhood I am satisfied that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. Accordingly, I am satisfied that the proposed development will not result in the creation of a traffic hazard.

7.6. Residential Amenity

- 7.6.1. I noted the concerns raised that the proposed scheme may have a negative impact on privacy and sunlight to adjoining properties.
- 7.6.2. This is a compact backland site proximate to existing dwellings in the immediate area. I refer to the Sunlight & Daylight Assessment submitted with the application. The results of the assessment have demonstrated that the proposed development will have a negligible level of impact, as per the BRE Guidelines under all metrics assessed. I am satisfied that this is mainly due to the careful consideration of separation distances of the proposed development to surrounding existing properties and its design.
- 7.6.3. Having regard to the established pattern of development in the area and proximity to adjoining properties, I consider that the proposed development, would if permitted, not form an unduly overbearing or dominant element when viewed from adjoining properties and that it would not diminish existing daylighting standards to same.
- 7.6.4. In terms of overlooking I am satisfied that the scheme has been set back from the boundaries with the adjoining sites and has been designed to prevent any overlooking of neighbouring properties. However, I note Condition No 3 of the notification of decision to grant permission requested that the first-floor bedroom window (eastern elevation) be fitted with louvered panel or equivalent to prevent overlooking. The Case Planner raises valid concerns that as this faces the rear garden of No 28 Rathgar Road and would be 6.8m from the rear boundary wall this window should be fitted with louvered panels to prevent overlooking to the rear garden of No 28.
- 7.6.5. However, I would draw the Boards' attention to the Sustainable Residential Development Compact Settlement Guidelines for Planning Authorities and SPPR 1 – Separation Distances therein where it states that *when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained*. I refer to the plans and particulars submitted (Site Layout Plan refers) where there is separation distance between the rear of No 28 and the proposed eastern elevation bedroom window of c15.28m (11.20656 + 4.050). The separation distance is below the required 16m. Further no definitive information has been provided as to the use of the rear annex to No 28 but it would appear from the information available with the

appeal file that it is in residential use. Accordingly, a precautionary approach is recommended whereby should the Board be minded granting permission that a condition be attached similar to Condition No 3 given the limited separation distances between both.

7.7. Public Consultation

- 7.7.1. I note the appellants request with regard to the provision of detailed information on the public consultation process for proposed developments to ensure both individual and community voice is heard. In this regard I refer to the Development Plan making process, the planning application process and the appeal process, which collectively incorporate rigorous and transparent methods for public consultation and engagement together with third party rights of appeal and oversight. I refer to the Local Authority website, the An Bord Pleanála website, the OPR website and the relevant Government Department website for further details in this regard.

7.8. Other Issues

- 7.8.1. **Development Contributions** – I refer to the Dublin City Council Section 48 Development Contribution Scheme. It is recommended that should the Board be minded to grant permission a Section 48 Development Contribution condition is attached.
- 7.8.2. **Conditions** – I note the request from DCC to include a condition requiring the naming and numbering of the Proposed dwelling unit. I further note that Condition No 11 of the notification of decision to grant permission included a requirement that no extension, garage, store, office or similar structure be erected without planning permission. Should the Board be minded granting permission I agree that such conditions be attached. All other conditions, save from those discussed above, are generally standard and what would be expected to be attached to a development of this nature.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of the proposed development comprising a rear residential development and its distance to the nearest European site, no Appropriate

Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 submitted on the 27th October 2023, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The rear first floor bedroom window (eastern elevation) shall be fitted with louvered panels, or equivalent, to prevent overlooking to the rear garden of No 28 Rathgar Road.</p> <p>Reason: In the interest of residential amenity and privacy.</p>
3.	<p>(a) A conservation expert shall be employed to manage, monitor and implement the works on the site 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. All works shall be carried out in accordance with best conservation practice with minimal interference or loss of historic fabric.</p> <p>(b) 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.</p> <p>a) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.</p> <p>b) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.</p> <p>c) Should any evidence of historic fabric be uncovered during the works, it shall be recorded and considered in the detail design of the new dwelling. The Conservation Officer shall be informed if any historic fabric is found to still exist on the site and a proposal for how it shall be dealt with within the development shall be agreed with the Conservation Officer.</p> <p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
4.	<p>Prior to commencement of development the applicant shall submit the following information for the written approval of the Planning Department:</p>

	<p>a) A method statement and drawings shall be provided for the excavation and sub structure work including proposed foundations for the proposed dwelling, ensuring the historic boundary wall is not undermined or compromised during the work. A methodology for protecting the existing historic walls during the works shall also be provided.</p> <p>b) The applicant is proposing to use salvaged granite from the site to construct a new boundary wall between the proposed dwelling and the main house at No. 28 Rathgar Road. The proposed boundary wall shall match the historic walls in material, coursing and construction and any additional granite required for the wall shall match the existing on site.</p> <p>c) Details of the finishes shall be submitted to the Conservation Officer for approval, including the brick and solid aluminium panels. Details of the coping at parapet level shall also be submitted.</p> <p>Reason: In order to protect the original fabric, character and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p> <p>Reason: In the interests of public health</p>

8.	<p>All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p>
9.	<p>Proposals for a development name / unit identification and house numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>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</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

29th February 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318743			
Proposed Development Summary	Protected Structure: Removal of tarmac, demolition of structures, construction of dwelling with all associated site works			
Development Address	Spire View Lane, to the rear of No 28 Rathgar Road, Dublin 6			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No X	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No

Preliminary Examination required

Yes

Screening Determination required

Inspector: _____

Mary Crowley SPI

Date: _____

29th February 2024