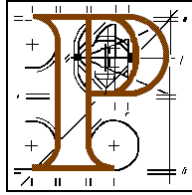


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D06A/0540

An Bord Pleanála Reference Number: PL 06D.219863

APPEAL by Linda O'Reilly of Castlepark Road, Dalkey, County Dublin against the decision made on the 5th day of September, 2006 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Tuskar Property Holdings Limited care of S and P Architects of 7a Meeting House Lane, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Amendment to the existing planning permission (planning register reference number D04A/0464) to include the following: the addition of one number three-bedroom penthouse apartment with private terrace, with stainless steel guardrails to the north, west and south elevations and privacy screens to the east elevation to prevent overlooking of adjacent property and an increase in building height of 2.625 metres to penthouse roof level with an additional 0.6 metres to top of lift over-run, all at Castlepark Court, 57 Castlepark Road, Dalkey, County 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 form of the proposed extension, the location of the proposed development in close proximity to public transport and the distance of the building from adjoining buildings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out 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 August, 2006, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be carried out in accordance with the conditions attached to the permission granted under planning register reference number D04A/0464, except as amended to conform with the provisions indicated in the plans lodged in connection with this application and with the following conditions.

Reason: To ensure consistency with the development as previously permitted.

3. Prior to commencement of construction of the proposed development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. One car parking space shall be assigned per apartment and shall not be sold or let separately from the assigned unit.

Reason: In the interest of the proper planning and sustainable development of the area.

6. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

7. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2007.