

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

## Dun Laoghaire-Rathdown County

**Planning Register Reference Number: D09A/0063**

An Bord Pleanála Reference Number: PL 06D.233342

**APPEAL** by Donnough and Orlaith Shaffrey care of Shaffrey Associates of 29 Lower Ormond Quay, Dublin against the decision made on the 13<sup>th</sup> day of March, 2009 by Dun Laoghaire-Rathdown County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (1) Change of use from residential to commercial. (2) Demolition of existing single-storey extension to the rear of existing terraced cottage, refurbishment of retained cottage with new single-storey extension to the rear, all at 10 Cornelscourt Cottages, Cornelscourt, 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.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the zoning objective for the area, as set out in the Dun Laoghaire-Rathdown County Development Plan, 2004-2010, the type and scale of the proposed use 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 the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The projection of the proposed rear L-shaped extension along the rear boundary of the site shall be omitted and the private open space shall be extended accordingly. Revised plans incorporating these requirements shall be submitted for the written agreement of the planning authority prior to the commencement of development.

**Reason:** To protect the amenities of adjoining occupiers and to prevent overdevelopment of the site.

2. Any proposed advertising sign shall be confined to a single non-illuminated identification plate attached to the front elevation.

**Reason:** To protect the amenities and character of the area.

3. The office shall operate between 0800 hours and 2000 hours Monday to Saturday and shall not operate on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenities of adjoining occupiers.

4. The 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 residential amenity.

5. 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.

6. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board.

**Reason:** It is considered reasonable that the developer should contribute towards these specific exceptional costs which are occurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this                      day of                      2009.**