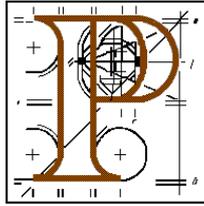


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD16A/0182

An Bord Pleanála Reference Number: PL 06S.247029

APPEAL by Vita Kurcinskiene of 26 Shancastle Drive, Clondalkin, Dublin against the decision made on the 20th day of July, 2016 by South Dublin County Council in relation to an application for permission for development comprising retention of three number structures in addition to the original dwellinghouse. Structure 1 is a 25 square metres, 3.7 metres high, single storey side extension to the dwelling house and is used for storage. Structure 2 is in the rear garden and is a 30 square metres, 3.4 metres high, single storey building used for guest accommodation. Structure 3 is in the rear garden and is a 116 square metres, 3.85 metres high, single storey building for use as a home gym and games room. The proposed new development will consist of a 3 square metres single storey front porch with a lean-to roof, all at 26 Shancastle Drive, Clondalkin, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of Structure 1 a 25 square metres, 3.7 metres high, single storey side extension to the dwellinghouse and is used for storage and Structure 2 in the rear garden and is a 30 square metres, 3.4 metres high, single storey building used for guest accommodation and to refuse permission for retention of Structure 3 which is in the rear garden and is a 116 square metres, 3.85 metres high, single storey building for use as a home gym and games room and refuse permission for 3 square metres single storey front porch with a lean-to roof).

DECISION

GRANT permission for retention of three number structures in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for construction of porch to front of building based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for additional accommodation in the South Dublin County Development Plan, it is considered that, subject to compliance with the conditions set out below, structures numbers 1, 2 and 3 as described in the planning application documentation, would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development of the side extension shall be amended as follows:
 - (a) The existing double doors to the front elevation shall be removed and replaced with a window that is in keeping with the existing windows on the dwelling.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interests of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the proposed development shall be incidental to the enjoyment of the dwelling house and shall not be used for habitation or the carrying on of any trade or business, unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

4. Details of the materials, colours and textures of all the external finishes to the partially completed large structure (Structure number 3 - 116 square metres) shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interest of visual amenity.

5. 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.

6. The existing dwelling, side extension and two structures to the rear shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension and structures in the interest of residential amenity.

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, as amended. The contribution shall be paid within three months of this order 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.

REASONS AND CONSIDERATIONS (2)

The Board considered that the construction of the proposed porch would introduce a discordant element to an existing terrace and would seriously injure the visual amenities of the area and of properties in the vicinity.

In deciding not to accept the Inspector's recommendation to grant permission for the construction of the front porch, the Board considered that the proposed porch would introduce a discordant element to an existing terrace.

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

Dated this day of 2016.