



An  
Bord  
Pleanála

**Board Direction**  
**PL29N.249043**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 26<sup>th</sup> January 2018.

The Board decided to make a split decision, to

- (1) grant permission (subject to conditions) for modifications at third floor level to Block B to provide 1 no. additional 2-bed unit and a change of use from a 3-bed to a 2-bed unit as well as the provision of balconies/terraces on the south and west elevations to serve these units

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for the fourth floor extension to Block A to provide 2 no. additional units (1 no. 2-bed and 1 no. 3-bed unit) with balconies/terraces on the western elevation to serve these units

for the reasons and considerations marked (2) under

In deciding not to accept the Inspector's recommendation to grant permissions for the additional units in Block A, the Board considered that the additional units at roof level would result in a more monolithic frontage of the proposed development onto Sybil Hill Road which would seriously injure the visual amenities of the area. Furthermore, the Board considered that the resultant loss of communal open roof space as compared to the original permitted development and would seriously injure the residential amenity of future occupants. The proposed development would,

therefore, not be in accordance with the proper planning and sustainable development of the area.

## 1) Reasons and Considerations

Having regard to the zoning objective, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions below, the proposal would not seriously injure the visual amenities of the area or residential amenities 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 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. All conditions of the parent permission Reg. Ref: 4242/15 (PL29N.246250) shall be complied with save as amended by this permission.

**Reason:** In the interests of orderly development.

3. The developer shall pay the sum of €4,000 (four thousand euro) per additional residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of public open space.

This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of 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 An Bord Pleanála to determine.

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

4. 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.

## 2) Reasons and Considerations

Having regard to the design and layout of the proposed development, it is considered that the proposal amendments to Block A would result in a more

monolithic frontage of the proposed development onto Sybil Hill road which would be visually obtrusive on the streetscape and out of character with the pattern of development and would therefore seriously injure the visual amenities of the area. Furthermore, the Board considered that the proposed amendments would result in an unacceptable loss of communal open space as compared to the original permitted development and would therefore seriously injure the residential amenity of future occupants. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

**Board Member**

**Date:** 1<sup>st</sup> February 2018

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Maria FitzGerald