

An
Bord
Pleanála

Board Direction
BD-014474-23
ABP-314773-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/11/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, to the pattern of development in the area and to the nature, form, scale, and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would 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, and as amended by the plans and particulars received by the Board on the 3rd day of November, 2022, i.e., drawings titled 'Existing Ground Floor Plan – Dwg. No. (ABP) 100' and 'Proposed Ground Floor Plan – Dwg. No. (ABP) 200', 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The proposed development shall be amended as follows:

(a) The glazing for the ensuite window on the rear elevation shall consist of manufactured opaque or frosted glass and this shall be permanently maintained.

(b) The western facing side of the corner window in bedroom 3 shall be omitted.

(c) A 1.8m high wall for the length shall be constructed along the areas identified as 'paved areas' and 'terrace' as a boundary treatment between No. 30 and adjoining properties of No 28 and 32 Cedarmount Road.

Revised drawings including revised site plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and orderly development.

3. The external finishes of the dormer shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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, dust management measures, protection of the existing water mains, and off-site disposal of construction/demolition waste through to management of traffic arising from construction works, deliveries and removal of waste.

Reason: In the interests of public safety and residential amenity.

7. The Applicants and Contractor shall prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of public safety.

8. 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 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.

Advisory Note: The applicant/developer is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'. Thus, any grant of permission for the subject proposal would not in itself confer any right over private property.

NOTE: The Board, taking into account the totality of details on the file, noted and shared the opinion of the planning authority that having regard to the roof design and height, the orientation of the site and the setbacks from the boundaries, the first floor extension would not impact the visual amenities of adjacent properties and would not result in overshadowing or create an overbearing appearance to adjacent properties. On that basis the Board considered that further setback of the first floor rear extension would not have any impact, and therefore omitted the Inspector's recommended condition 2(a).

Board Member



Mary Cregg

Date: 20/11/2023