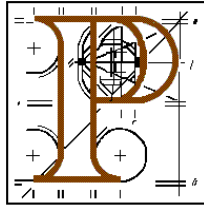


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15B/0261

An Bord Pleanála Reference Number: PL 06D.245514

APPEAL by Brian and Helen McDonald care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 24th day of August, 2015 by Dún Laoghaire-Rathdown County Council in relation to an application for permission for retention of an entire two-storey extension with dormer roof, dormer roof window to front and two roof windows to rear, all as constructed to the rear of existing two-storey dwelling and all associated site works. Planning permission for a two-storey extension was previously granted under planning register reference number D14B/0100, (An Bord Pleanála appeal reference number PL 06D.243451), all at 51 Saint Fintan's Villas, Deansgrange, County Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the retention of the two-storey rear extension as constructed on site to a height of 8.15 metres and two number roof windows to rear and to refuse permission for the retention of a dormer roof and dormer roof window to the front).

DECISION

GRANT permission for the said retention of the two-storey rear extension as constructed on site to a height of 8.15 metres and two number roof windows to rear, 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 the said retention of a dormer roof and dormer roof window to the front 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of existing development in the area and to the design and scale of the existing extension, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Board considered that the retention of the dormer roof and dormer roof window to the front would be visually incongruous and would represent an overbearing feature within the streetscape and, if permitted, would set an undesirable negative precedent for similarly scaled developments in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The dormer roof and the dormer window to be retained shall be omitted from the development. The works to remove this structure shall be completed within six months of the date of this order.

Reason: In the interests of residential and visual amenity.

3. 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.

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, as amended. The contribution shall be paid within three months of the date 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)

Having regard to the design, scale, position and projections above the existing ridgeline, it is considered that the proposed dormer roof and dormer window to be retained would be visually obtrusive and would seriously injure the residential and visual amenities of the area and would be out of character with the existing and adjoining dwellings. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.

