

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2342/16**

An Bord Pleanála Reference Number: PL 29S.246714

**APPEAL** by F. O'Neill of 27 South Dock Street, Ringsend, Dublin against the decision made on the 12<sup>th</sup> day of May, 2016 by Dublin City Council in relation to an application by Anita Dunphy care of John Finney of 19 Aranleigh Gardens, Rathfarnham, Dublin for permission for rear first floor extension to existing bedroom, retention of dormer window to front elevation, and retention of dormer to rear elevation. Attic used as study. All at 29 South Dock Street, Ringsend, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the said retention of the dormer window to the rear and the rear first floor extension and to refuse permission for the said retention of the dormer window to the front).

## **DECISION**

**GRANT** permission for the said retention of the dormer window to the rear and the rear first floor extension 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 the dormer 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 'Z2 residential conservation land use zoning of the site, and to the character of the area and to the design, nature and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development and the retention of the rear dormer window would not detract from the character of the existing house or the residential amenities of adjoining dwellings and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of April, 2016, 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, completed and retained in accordance with the agreed particulars.

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

2. The design of the proposed extension shall be amended as follows:
  - (a) The flat roof area shown as 'roof garden' shall not be used as a roof terrace or balcony area.
  - (b) Details showing the relocation of the rainwater tank on the roof shall be submitted.
  - (c) The attic space shall be used for storage only and shall not be used as a habitable room.
  - (d) The proposed extension including any roofing/guttering shall not overhang adjoining properties and shall be constructed within the application site boundaries.

Revised drawings 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 interests of visual and residential amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouse without a prior grant of planning permission.

**Reason:** In the interest of residential 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, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 noise management measures and off-site disposal of construction/demolition waste.

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

## **REASONS AND CONSIDERATIONS (2)**

It is considered that the retention of a dormer window extension to the front of this attractive mid-terrace period residence situated within an area zoned in the Dublin City Development Plan 2011-2017 as a Residential Conservation Area would by reason of its size, form and materials, be unduly obtrusive in its streetscape setting and would be out of character with properties in the vicinity. The development proposed for retention would, therefore, seriously injure the visual amenities of properties in the vicinity and would set an undesirable precedent for similar type development in the area. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this        day of                                2016.**