

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: WEB1139/16

An Bord Pleanála Reference Number: PL 29S.246860

APPEAL by Peter Nickels and Edelle O'Doherty care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 7th day of June, 2016 by Dublin City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a new second floor level (71.34 square metres) on top of the existing two-storey flat roofed house, with pitched roof, rooflights and solar panels; demolition of the existing single storey flat roofed extension to the side of the house and replacement with a new single storey extension (20.76 square metres) with flat roof and rooflights; modifications to the exterior elevations and internal layouts of the existing house; replacement of existing fence to east of garden with brick garden wall; and associated site works at The Willows, 8A Sunbury Gardens, Dartry, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the zoning objective for the site and policies and objectives as set out in the current Dublin City Development Plan, to the pattern of development and planning history of the area, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character or settings of protected structures or from the those of the nearby designated conservation 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. Prior to the commencement of development, revised plans and particulars showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) the omission of the western elevation window illuminating bedroom number 5 at second floor level and its replacement with a window of similar dimensions on the northern elevation, and
- (b) the omission of the proposed high level window on the western elevation illuminating the home office/study.

Reason: In the interest of protecting the residential amenity of adjoining properties.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development, including sample panels, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity.

6. Site development and building works shall be carried out between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 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.

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 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.

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

Dated this day of 2016.