

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2511/16**

An Bord Pleanála Reference Number: PL 29S.246978

**APPEAL** by Jonathan O'Connell of 44 Beech Hill Drive, Donnybrook, Dublin against the decision made on the 8<sup>th</sup> day of July, 2016 by Dublin City Council to grant subject to conditions a permission to Margaret Purdy and Joseph Mulville care of David Corbally of 55 Ludford Drive, Ballinteer, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a two and a half storey attached three bedroomed house to side, together with single storey porch extension to front, two storey extension to rear, attic conversion with dormer to rear and provision of new vehicular entrance at 46 Beech Hill Drive, Donnybrook, 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 provisions of the current development plan for the area, the planning history of the site, the pattern of development in the area and the scale 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 visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Board considered that condition number 2 would adequately protect the amenities of the adjoining residents in number 44 Beech Hill Drive and further considered that the amended development would not be out of character with the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17<sup>th</sup> day of June, 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 and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
- (a) The first floor rear bedroom and the associated structure to the proposed new dwelling shall be omitted;
  - (b) The first floor rear wall to the proposed new dwelling shall align with the original rear boundary wall of the attached two storey dwelling on site; and
  - (c) Any fenestration to the first floor bathroom in the rear wall of the new dwelling shall be in frosted glass.

Prior to commencement of development, revised drawings showing compliance with the above modifications shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of protecting the residential amenities of number 44 Beech Hill Drive.

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 external finishes of the proposed development (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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.**