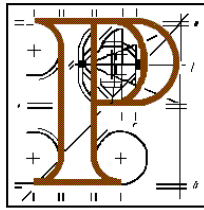


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3330/16

An Bord Pleanála Reference Number: PL 29N.247336

APPEAL by Aileen Forbes-Byrne of 147 Vernon Avenue, Clontarf, Dublin against the decision made on the 6th day of September, 2016 by Dublin City Council to grant subject to conditions a permission and retention permission to Stephen Murray care of Kavanagh Ryan and Associates Limited of Unit 48, The Egan Centre, Dargle Road, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the newly constructed foundations, rising walls and floor slab and permission for the completion of the proposed works for a new 57 square metres single storey garden and recreation room with pitched roof over at 145 Vernon Avenue, Clontarf, 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 pattern of development in the area, the intended use of the building and the separation distance to adjacent residences, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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 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 interests of clarity.

2. The development shall be completed to ensure that no part of the building oversails adjoining property or interferes with existing boundary trees/hedgerows. Prior to the commencement of the development, revised plans showing the building scaled back to ensure compliance with the terms of this condition shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect the amenity of adjoining property.

3. The use of the building shall be restricted to purposes incidental to the enjoyment of the dwelling and shall not be used for human habitation, for commercial or industrial purposes or for the housing of animals.

Reason: In the interests of residential amenity.

4. The external walls of the building shall be finished in a smooth plaster/dash finish, suitably painted. Roof tiles shall match those of existing dwelling in both colour and texture.

Reason: In the interests of visual amenity.

5. Water supply and drainage arrangements including the disposal of surface water, shall comply with the detailed requirements of the planning authority.

Reason: In the interests of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 hours Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The developer shall pay to the planning authority a financial contribution of €4,942.80 (four thousand, nine hundred and forty-two euro and eighty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that it 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 the 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. The application of any indexation required by this condition 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.

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 2017.