

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3696/16

An Bord Pleanála Reference Number: PL 29S.247675

APPEAL by Barbara M.D. Bergin, Andrew McCroskery and Declan and Tara Merry care of Auveen Byrne and Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin and by Peter D R Murphy and Siobhain Van Eesbeck of 3 Merlyn Road, Ballsbridge, Dublin against the decision made on the 4th day of November, 2016 by Dublin City Council to grant subject to conditions a permission to Christopher and Joan McHugh care of McHugh O Cofaigh Architects of 6 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of single-storey garage and outhouses, total area 23 square metres, construction of single-storey entrance canopy and living area extension to the front and side, and two-storey extension to the side and rear of the dwelling, total extension area 118 square metres, widening of front entrance gate, insertion of rooflights to slopes of pitched roof and ancillary works at 10 Merlyn Road, Ballsbridge, 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 Z1 “Sustainable Residential Neighbourhoods, with the objective “To protect, provide and improve residential amenities”, to the policies, objectives and standards within Chapter 16 supplemented by Appendix 17 in the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the existing architectural character and pattern of residential development along Merlyn Road and Drive, would not seriously injure the visual or residential amenities of the area and 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. The following modifications shall be made to the proposed development:
 - (a) The front extension at ground floor level shall be omitted in entirety.
 - (b) The velux window in the front roof slope shall be omitted in entirety.
 - (c) The first floor overhang of the passage space adjacent to the boundary with number 8 Merlyn Road shall be omitted. An opaque glazed fitted side elevation window may be provided for the first floor bathroom.
 - (d) The upper floor rear extension shall be set back by a minimum of one metre from the boundary with the adjoining dwelling to the north-east (number 12 Merlyn Road).
 - (e) The ground floor rear extension shall be confined to a maximum depth of 5.5 metres beyond the rear building line of the existing house.

Details of the above modifications shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the protection of the visual amenities and established architectural character of development on Merlyn Road and in the interests of the protection of the residential amenities of adjoining properties.

3. The development shall be occupied as a single dwelling unit only.

Reason: In the interest of clarity and residential amenity.

4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

5. Hours of construction shall be confined to the hours of 0800 to 1900 Mondays to Fridays excluding bank holidays and 0800 to 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

6. 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 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. 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 2017.