

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Fingal County**

**Planning Register Reference Number: FW16B/0127**

An Bord Pleanála Reference Number: PL 06F.248073

**APPEAL** by Brian and Ann Wilson care of Kevin J. Hamell and Associates of D5 Swords Enterprise Park, Feltrim Road, Swords, County Dublin against the decision made on the 27<sup>th</sup> day of January, 2017 by Fingal County Council to grant subject to conditions a permission to Mark Dunne and Lynda O'Brien of 59 Castleknock Way, Laurel Lodge, Castleknock, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of new two-storey extension to the rear of existing dwelling comprising of kitchen/diningroom downstairs and two number bedrooms and ensuite bathroom upstairs and porch to the front of existing dwellinghouse, all at 59 Castleknock Way, Laurel Lodge, Castleknock, 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 nature and scale of the proposed development, the established residential use on the site and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity. 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 out in accordance with the agreed particulars.

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

2. The proposed rear extension shall be modified as follows:
  - (a) the length shall be reduced by 750 millimetres at first floor level such that the rear wall extends to 2.75 metres maximum from the existing rear wall, and
  - (b) the proposed projecting 'box-window' shall be omitted, as shall the proposed high-level window, to be replaced by one single standard rear bedroom window serving each bedroom.

Revised plans and particulars showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** Having regard to the pattern of development in the area, it is considered (a) that a reduction in the extent of first floor development is necessary to reduce the overbearing and overshadowing impact of the proposed extension in order to protect the amenity of the adjacent dwelling, and (b) that the rear timber clad projecting 'box-window' feature would be unattractive, would unduly impair the residential amenity of future occupants, and is not necessary in order to protect 'back-to-back' residential amenity in this typical suburban environment.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual 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. The rainwater goods on the west elevation shall be contained within the applicants site.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

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

**Dated this            day of            2017.**