

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 4316/16

An Bord Pleanála Reference Number: PL 29S.248240

APPEAL by Michael Heney care of Brian O'Donoghue Architects Limited of 62 Guildford Road, Sandymount, Dublin against the decision made on the 14th day of March, 2017 by Dublin City Council to grant permission to Tim and Catherine Cahill care of Optimise Design of 34 Fitzwilliam Street Upper, Dublin for development comprising the construction of a single storey extension to the side and rear of the property and a new dormer window to the rear with internal modifications and all ancillary works at 30 Durham Road, Sandymount, Dublin in accordance with the plans and particulars lodged with the said Council.

DECISION

GRANT permission for the construction of an extension to the side, and new dormer window to the rear, with internal modifications and all ancillary works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the proposed single storey extension to the rear based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the nature and scale of the proposed development and to the pattern of development in the vicinity of the site, it is considered that the proposed development, as modified by the accompanying refusal order, and subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring properties or the 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 proposed rear extension shall be omitted.

Reason: In the interest of protecting the residential amenities of adjoining property.

3. The external finishes of the proposed extension shall be the same as those of the existing extended dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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.

5. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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 the interest of protecting the residential amenities of adjoining properties.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

REASONS AND CONSIDERATIONS (2)

Having regard to its scale and location adjoining the property to the north, and having regard to the extent of development already constructed on the subject site, including a single storey extension to the rear that immediately adjoins that property, if is considered that the proposed rear extension would be overbearing on the property to the north, and would seriously injure the residential amenities of that property by reason of undue levels of overshadowing. The proposed rear extension would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the rear extension subject to a condition modifying its design and extent, the Board was of opinion that the rear extension, even as modified, would seriously injure the residential amenities of adjoining property to the north, having regard to its location to the south of the neighbouring property and its location proximate to that neighbouring property. The Board considered that a relocation of the entire extension more towards the south-east, so that its side wall would be in line with the existing side building line of the house, would ameliorate this impact, but considered it inappropriate to require such a material change by way of condition.

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

Dated this day of 2017.