



An  
Bord  
Pleanála

**Board Order  
PL 29S.248814**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2265/17**

**Appeal** by Colm and Noreen Costello care of Noonan Moran Architecture of 139 Baggot Street Lower, Dublin and by others against the decision made on the 6<sup>th</sup> day of June, 2017 by Dublin City Council to grant subject to conditions a permission to Conor and Catherine Cusack care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The demolition of the existing single storey extension to the rear and the construction of a new two storey extension to rear of the existing single storey semi-detached dwelling including curved roof to second storey element, flat roof construction and rooflights, landscaping and all associated works to facilitate the development including new boundary wall treatments at 31 Rathgar Avenue, Rathgar, 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, to the existing pattern of development of the area, and to the design, nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below (including the modifications to the design of the extension as submitted with the appeal), the proposed development would not seriously injure the residential amenities of properties in the vicinity, would not detract from the visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. 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, as amended by the further plans and particulars submitted on the 10<sup>th</sup> day of May, 2017 and by the further plans and particulars received by An Bord Pleanála on the 1<sup>st</sup> day of August 2017, 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 interest of clarity.

2. The proposed widened vehicular entrance shall not have outward opening gates. The footpath and kerb at the location of the entrance shall be dished in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and shall be carried out at the developer's expense.

**Reason:** In the interest of pedestrian and traffic safety.

3. The existing chimney stack and stone gable end treatment of the existing house shall be retained.

**Reason:** To preserve the character of the existing house and the visual amenities of the area.

4. Details of the external finishes of the proposed development, other than that provided for in condition 3 of this permission, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. 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 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 08.00 to 18.00 hours Monday to Fridays inclusive, between 08.00 to 14.00 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. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

**Reason:** In the interests of amenities, public health and safety.

8. 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 planning 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.

