



An  
Bord  
Pleanála

**Board Order**

**PL 29S.249278**

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

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB 1349/17**

**Appeal** by Aileen and Colin Price of 15 Saint Martin's Park, Dublin against the decision made on the 25<sup>th</sup> day of August, 2017 by Dublin City Council to grant subject to conditions a permission to Matthew and Jeanne Chow Collins care of Bright Design Architects of 4 Seafield Park, Booterstown, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of single storey extension at the side and shed at the rear, construction of new single storey extension at the side and rear, new porch to the front, increase of vehicular gateway to 3.5 metres and all associated elevational and internal alterations, site, drainage and landscaping works at 14 Saint Martin's Park, Kimmage, 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 site size, configuration and orientation of the proposed development relative to the adjoining property at number 15 Saint Martin's Park, and to the pattern of development in the area generally, it is considered that, subject to compliance with the conditions set out below (including the modification to the development), the proposed development would not seriously injure the residential amenities of adjoining property by reason of overbearing or overshadowing impact and would not be prejudicial to public health by reason of adverse impact on the structural stability of the party wall between the two properties, 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 lodged with the application, except as may otherwise be required 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 development shall be amended as follows: -

The extension shall project beyond the existing rear building line of the house by no more than 4.1 metres, and the remaining part of the proposed development, including the new wall inside the side site boundary, incorporating the proposed barbeque area, and the projecting canopy, shall be omitted.

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

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

3. A structural stability survey of the party wall adjoining the property at number 15 Saint Martin's Park shall be carried out by a structural engineer or other similarly qualified and competent person at the developer's expense, prior to and following the construction of the proposed development, to the written satisfaction of the planning authority. Any damage to this wall shall be made good at the developer's expense.

**Reason:** In the interest of clarity, orderly development and the protection of the residential amenities of the adjoining property.

4. The roof area of the extension shall not be used as a balcony or terrace, and shall not be accessed other than for maintenance purposes.

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

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

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

6. The following requirements of the planning authority shall be fully complied with:

- (a) The vehicular access shall be no more than 3.5 metres wide.
- (b) The front garden wall shall be retained for the remainder of the front boundary with the exception of the 3.5 metre wide ope. The full boundary wall shall not be removed.
- (c) The paving area shall be kept to a minimum and the hard landscaping area shall provide for two number cars only with dimensions five metres by three metres and shall be constructed of permeable materials.
- (d) The remainder of the front garden area shall be soft landscaped in as much as possible.

**Reason:** In the interests of visual amenity and of pedestrian and traffic safety.

7. 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. Provision shall be made to ensure that all run off from the roof of the proposed development is directed onto the subject site, and into the public surface water drains or soakaways, and not permitted to discharge onto adjoining property.

**Reason:** In the interest of public health, and to protect the residential amenities of adjoining property.

