

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dublin City County**

**Planning Register Reference Number: 3668/17**

An Bord Pleanála Reference Number: PL ABP-300103-17

**Appeal** by Conor McCabe care of Mahoney Architecture of 42 Arran Street East, Dublin and by Pamela Mac Mahon of 104 Lower Kimmage Road, Harold's Cross, Dublin against the decision made on the 11<sup>th</sup> day of October, 2017 by Dublin City Council to grant subject to conditions a permission to Gearóid O Gaibheachain care of Gavin Byrne Architect of 2 Drummartin Road, Goatstown, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning Permission sought for the following works at 106 Kimmage Road Lower, Dublin, an existing two-storey four-bedroom semi-detached single dwelling comprising (i) demolition of an existing single storey shed to the rear and partial demolition of the existing two-storey return to the rear of the existing house; (ii) the construction of a new two-storey extension to the rear of the existing house to accommodate a new kitchen/living/dining room and wc to the ground floor and two new bedrooms and a bathroom to the first floor, the new extension is to be part-flat roofed at both ground and first floor levels and is to retain the existing sloped roof of the return to the rear of the house, a new flat rooflight is proposed to be provided above the ground floor part of the new extension to the rear; (iii) the conversion of the existing attic space into habitable accommodation to provide a new en-suite bedroom with a new dormer structure to be provided to the rear slope of the main roof, the total number of bedrooms to the extended house to be increased to six; (iv) the provision of a second smaller dormer structure to the rear slope of the main roof to provide headroom over a new internal stairs up to the new attic bedroom; (v) the provision of a new velux-type roof light to the rear slope of the main roof over the new stairs; (vi) the

provision of a new velux-type rooflight to the front slope of the main roof over the proposed new attic en-suite; (vii) the provision of a solar panel array to the west facing slope of the existing roof over the return to the rear of the house; (viii) widening of two existing window opes to the rear wall of the main part of the house, one at ground floor level and one at first floor level; (ix) the provision of one number new off-street car-parking space to the front of the house, accessed from Kimmage Road Lower and the provision of new vehicular entrance gates and retaining walls and railings within the site to facilitate this; (x) the provision of external insulation to the existing west facing side/gable wall and to part of the rear wall of the main part of the house and (xi) other internal renovations and refurbishments and site works to facilitate the development.

## **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 Z2 residential zoning objective for the area, the policies and objectives of the Dublin City Development Plan 2016-2022, the pattern of development in the vicinity and the nature, scale and design of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not be inconsistent with the character of the surrounding houses, 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, 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 development shall be amended as follows:
  - (a) The dormer bedroom extension shall be reduced in width to a maximum of two metres and the windows shall be a similar shape to the existing rear windows.
  - (b) The roof light on the front slope of the main roof shall be omitted.
  - (c) The glazing to the first floor section of the side window in the western elevation, serving the landing, shall be of manufactured opaque/frosted glass, which shall be permanently maintained as such.
  - (d) The driveway entrance shall be a maximum of 3.5 metres in width, and shall not have outward opening gates.

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 interests of visual and residential amenity, and of pedestrian and traffic safety.

3. The proposed extensions and existing dwelling shall be jointly used solely as a single dwelling house.

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

4. 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 interests of public safety and residential amenity.

5. 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

6. No part of the proposed development shall oversail adjoining property.

**Reason:** To protect the amenities of adjoining property.

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.

**Reason:** In the interest of public health.

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 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            2018.**