

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0766

An Bord Pleanála Reference Number: ABP-300214-17

APPEAL by Iris O'Malley care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 20th day of October, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Retention of a ground floor extension by the conversion of an exempt development garage to a study (24.75 square metres) and a store (10.5 square metres) to the rear of the study at "Tetherdown", 21 Dalkey Avenue, Dalkey, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 zoning objective for the area, to the design, layout and scale of the subject development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the visual amenities of the area or the residential amenity of property in the vicinity. The development for which retention is sought would, therefore, not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. This permission relates solely to the development as described in the public notices, and shall not be construed as giving permission for any other development shown on the submitted drawings.

Reason: In the interest of clarity.

3. 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 and to ensure a proper standard of development.

4. The existing dwelling and retained extension/study and store shall be jointly occupied as a single residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension/study and store in the interest of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

6. 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 within two months of the date of this order 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 the Board 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.

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

Dated this day of 2018.