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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4500/17**

**Appeal** by Catherine Taylor of 2 Imaal Road, Cabra, Dublin against the decision made on the 15<sup>th</sup> day of February, 2018 by Dublin City Council to grant subject to conditions a permission Derek Egan care of Michael O'Connor Associates of 18 Lissadel Wood, Swords Road, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for the retention of (1) enlargement of existing approved shed (planning register reference number 3607/16) to the rear garden by circa 23 square metres; (2) change of use of the above shed to family flat use; (3) enlarging of previously approved ground and first floor extension at the rear (planning register reference number 2780/16) by 14.6 square metres; (4) alterations to previously approved front elevation (planning register reference number 3607/16) and all associated site works, at 121 Cabra Road, 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 zoning provisions for the site, to the nature and scale of the proposed development and the development proposed for retention, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would provide a suitable level of amenity for future family occupants, would be connected with and could be reintegrated with the house on site, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would comply with the provisions of Section 16.10.14 of the Dublin City Development Plan 2016-2022 relating to ancillary family accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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 and the development shall be carried out, retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed ancillary family accommodation shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use. The residential unit shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To protect the amenities of property in the vicinity and in order to comply with the objectives of the current development plan for the area.

3. The external finishes of the proposed extensions including roof tiles/slates shall be the same as with those of the existing dwelling in respect of colour and texture.

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

4. Apart from any departures specifically authorised by this permission, the development shall be retained and completed in accordance with the terms and conditions of the permissions granted on the 3<sup>rd</sup> day of August 2016 under planning register reference number 2780/16 and the 2<sup>nd</sup> day of December 2016 under planning register reference number 3607/16, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall 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. 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 three 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 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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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**