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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0044**

**Appeal** by Kevin and Anne-Marie McGrath care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin and by Eamon and Sheelagh Galligan care of Auveen Byrne Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin against the decision made on the 14<sup>th</sup> day of March, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Kathy Prendergast care of Buckley Partnership Architects of 2 Duncairn Terrace, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing front entrance porch and side bay window as well as internal alterations to the existing two-storey dwelling and the construction of a new single storey above basement level extension to the side of the existing house with lightwells to the front and rear of the basement level and roof lights above the ground floor side extension. It is also proposed to alter the roof and form of the two number existing dormer windows at first floor level and three number new roof lights to the existing roof side elevations of the existing dwelling. The application also includes for new front entrance gates with pedestrian access and side piers. All at number 2 Vesey Mews, Monkstown, County 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 Dún Laoghaire-Rathdown County Development Plan 2016-2022, the pattern of development in the area and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character of the existing mews house, or on the character and setting of number 2 Vesey Place, which is a Protected Structure, would not seriously injure the visual or residential amenities of adjoining properties and 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 and by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of May, 2018, 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 in accordance with the agreed particulars.

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

2. Prior to commencement of development, revised plans and particulars shall be submitted for the written agreement of the planning authority which clearly show the omission of the stairwell to the northern elevation and its relocation internally within the proposed extension.

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

3. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting the character of the area.

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

**Reason:** To restrict the use of the extension and 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 Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

6. 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.

7. (a) 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 and dust management measures and off-site disposal of construction/demolition waste.
- (b) 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.
- (c) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details and methodology for the site excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- (d) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

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 the 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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**Paul Hyde**

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

**Dated this            day of            2018.**