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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: D18A/0006**

**Appeal** by Joanne O’Riordan and Mark Daly of 51 Trees Road, Mount Merrion, County Dublin against the decision made on the 9<sup>th</sup> day of April, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to John and Eimear Heneghan care of Extend Architectural Services Limited of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the single storey extension and garden wall to the side of the existing two-storey semi-detached dwelling. The construction of a new two-storey extension to the front, a new part single storey/part two-storey extension to the side and rear. Conversion and enlargement of the existing attic including roof lights to the front and side, with dormer window to the rear. New entrance canopy to the front. Alterations to the existing windows and doors on both levels to the front and rear. New vehicular entrance gate off South Avenue including the removal of a tree on the grass verge to the front of the site. Increase in the height of the pillars to the existing vehicular entrance. New garden fence to the front garden and

associated site works, all at 65 South Avenue, Mount Merrion, County Dublin, as amended by the revised public notices received by the planning authority on the 13<sup>th</sup> day of March, 2018 which also includes the following: Removal of the existing vehicular entrance gate and pillars off South Avenue, replacing the opening with a new boundary wall to match existing. The removal of the proposed chimney to the rear of the property. The demolition works on the existing house also include the removal of the existing rear kitchen, bathroom at ground floor and bedroom number 3 at first floor level.

## **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 current development plan for the area, and having regard to the pattern of existing development in the area and the design and scale of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 the current development plan for the area. 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, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of March 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. The house shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

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. The disposal of foul and surface water on site shall be via separate drainage systems. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, plans indicating the foul and surface water drainage systems.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. The external finishes of the proposed extension, including the roof, shall be the same as those of the existing dwelling in respect of colour and texture. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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 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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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**