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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4245/17**

**Appeal** by Martin and Mena Larkin care of Ciarán Ferrie Architects of Fumbally Exchange, 5 Dame Lane, Dublin against the decision made on the 17<sup>th</sup> day of April, 2018 by Dublin City Council to grant subject to conditions a permission to Rosalind Kilduff care of Raymund Kelly Architects of 80 South Main Street, Wexford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Erection of a single storey extension to the side and rear of existing dwelling and all associated site works at 27 Saint Mary's Road South, Ballsbridge, Dublin (Protected Structure).

**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 pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the scale, design and location of the proposed extension would not be overbearing or would not seriously injure the residential amenities of the adjacent property at number 25 Saint Mary's Road, or the residential amenities of properties in the vicinity. It was further considered that a single storey extension to the side and rear of the protected structure would not materially affect the character and setting of the protected structures.

## 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 to the planning authority on the 21<sup>st</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. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development/conservation.

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority the following conservation requirements:

(a) Single-storey mono-pitched extension in the side passage: 1:50 section and front elevation showing window, and 1:20 details of all key junctions of the extension (with the main house, at boundary wall, eaves on front elevation), and timber sash windows, rainwater disposal, rooflights. The height and angle of this extension shall be kept to the minimum possible to minimise the visual impact on the protected structure and adjoining protected structure.

(b) The single-storey rear extension to the living room: 1:50 elevation including high quality fenestration/sliding doors; 1:20 details of parapet/edge, rooflight, high quality fenestration/sliding doors.

**Reason:** In order to ensure the highest quality of construction and detailing and to safeguard the architectural significance, setting and character of the protected structure and adjoining protected structure.

5. 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.

6. 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.

7. 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 in the interest of residential amenity.

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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**Eugene Nixon**

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

**Dated this            day of            2018.**