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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2585/18**

**Appeal** by John Martin of 201 New Cabra Road, Dublin against the decision made on the 18<sup>th</sup> day of May, 2018 by Dublin City Council to grant subject to conditions a permission to Karen Burns and Allen Doyle care of DMVF Architects of 278 Rathmines Road Lower, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of a single storey extension to front/side and rear, chimney to side elevation and existing outhouse buildings and the subsequent construction of a new single storey extension to front/side and new part two-storey/part single storey extension to the rear/side, one number new roof light to existing roof to rear, one number new roof light to new two-storey roof to rear, one number new roof light to new single storey extension to side/rear, modifications to existing fenestration on all elevations and all associated site works to existing two-storey semi-detached house at 199 New Cabra Road, Cabra, 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 pattern of development in the area and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be in accordance with the provisions of the current Dublin City Development Plan 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, 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 proposed extension shall be modified at first floor level. Revised drawings incorporating the following amendments shall be submitted for the written agreement of the planning authority prior to commencement of development on site:
  - (a) The first floor shall be set back at least 1.3 metres from the party wall with the adjoining house, number 201. The extension may be increased on the other side by up to 1.3 metres.
  - (b) A roof light may be located over the living area to the west, and any such rooflight must have obscured glazing.

The more western bedroom window may be maintained and modified in the existing rear elevation, subject to the opening being no nearer than 750 millimetres to the party wall boundary.

**Reason:** In order to safeguard the residential amenities of adjoining property and in the interests of visual amenity and orderly development.

3. 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.

4. 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.

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

**Dated this            day of            2018.**