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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2673/18**

**Appeal** by Con Manning care of Michael Kelly, Architect of 45 Lower Baggot Street, Dublin against the decision made on the 28<sup>th</sup> day of May, 2018 by Dublin City Council to grant subject to conditions a permission to Eamon Lewis care of Tygro Consulting Engineers Limited of Unit 7, Terenure Enterprise Centre, 17 Rathfarnham Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Retention of the as-built structure of the rear extension including; (a) minor plan layout and dimensional modifications to that granted permission under planning register reference number 3644/12, (b) the rear roof slab element constructed with top of structural slab level at 10 millimetres below the overall building height granted permission under planning register reference number 3644/12. (ii) Completion of the building works including: (c) provision of two obscure openable windows in the rear elevation to facilitate natural lighting and purge ventilation to the first floor w.c. room and en-suite, (d) raising of the overall roof height of the rear extension by the order of 225 millimetres to that granted permission under planning register reference number 3644/12 to facilitate external roof insulation and

associated drainage falls and roof edge profiling, (e) the provision of parapet upstands and associated raised glazing on the large rooflight granted permission under planning register reference number 3644/12 to protect against moisture ingress, (f) modifications to the roof over the stairwell to the first floor level and the first floor landing, including provision of roof glazing over the landing at a level of approximately 250 millimetres higher (on one side) than the stepped down roof granted permission under planning register reference number 3644/12, (g) changes to the levels of the first floor landing and first floor external courtyard to protect against moisture ingress, (h) all other associated fit-out and finishing works and landscaping necessary to complete the works, at Number 22 Portobello Road, Portobello, 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 Dublin City Development Plan 2016-2022, to the nature and scale of the development proposed for retention and completion and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and completion would not seriously injure the amenities of the area or of property in the vicinity. 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 and completed in accordance with the agreed particulars.

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

2. The proposed windows at first floor shall be omitted and natural lighting shall be provided for the WC and shower room by glazed panels in the roof. Air vents shall also be provided through the roof. No services or vents shall be visible on the rear wall. Details in this regard shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed rear extension shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

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

4. The roof above the rear extension shall not be used as a balcony and shall not be accessed except for maintenance purposes.

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

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. During the construction and demolition phases, the proposed development shall comply with British Standard BS 5228 "Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures for noise and vibration control".

**Reason:** In order to safeguard the amenities of property in the vicinity.

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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.**