

Board Order ABP-302009-18

Planning and Development Acts 2000 to 2018 Planning Authority: Dún Laoghaire-Rathdown County Council Planning Register Reference Number: D18A/0373

Appeal by Paul and Elaine Coghlan of 442 Nutgrove Avenue, Churchtown, Dublin against the decision made on the 19th day of June, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Colin and Jenny O'Neill of 444 Nutgrove Avenue, Churchtown, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a single storey porch extension to the front (area 3.2 square metres), construction of a new single and twostorey extension to the rear of existing house, incorporating living/dining at ground floor level (area 28.2 square metres) and an additional bedroom with en-suite at first floor level (area 15.3 square metres); construction of a single storey shed/garden room to end of rear garden (area 16 square metres); provision of a new vehicular parking space by the partial removal of existing wall to front of house; alterations to internal layout and all associated site works at 444 Nutgrove Avenue, Churchtown, 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, to the location of the site in an established residential area and to the nature, form, 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 residential or visual amenities of 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, 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 shed/garden room shall be used for uses incidental to the main dwelling and shall not be used for human habitation.

Reason: In the interest of residential amenity.

3. 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.

 The external finishes of the proposed extension, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. The site development and building works shall be carried out only between the hours of 0800 to 1800 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.

 All service cables associated with the proposed development, (such as electrical, telecommunications and communal television), shall be located underground.

Reason: In the interests of visual and residential amenity.

7. 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.

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

Dated this day of 2018.