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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3365/18**

**Appeal** by Donal Tuttle care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin against the decision made on the 16<sup>th</sup> day of August, 2018 by Dublin City Council to refuse permission for development comprising modifications to previously approved residential development (granted under planning register reference number 2008/17) as follows: 1. retention of a raised parapet on flat roof of first floor extension (height increase of 400 millimetres), 2. retention of extended attic dormer element to rear (1.3 square metres), 3. retention of two flat rooflights, 4. permission for new attic (dormer) window to front, all at 11 Villa Park Gardens, Navan Road, Dublin in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for the retention of the raised parapet on flat roof on first floor extension, retention of first floor dormer element to rear and the retention of two flat rooflights in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the**

**proposed attic window on the front elevation based on the reasons and considerations marked (2) under**

## **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 (1)**

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the permitted development on the site, and to the nature and scale of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential amenities of the area or property in the vicinity. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall have been 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. In the default of agreement the matter(s) in dispute may be referred to An Bord Pleanála for determination.

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

2. Apart from the modifications permitted on foot of this decision, the development shall otherwise be carried out in accordance with the terms and conditions of the permission granted under planning permission register reference number 2008/17 amending permission granted under planning permission register reference number 2536/15.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall have complied with the requirements of the planning authority for such works and services.

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

4. 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.

## **Reasons and Considerations (2)**

Having regard to the pattern of development in the area and, in particular, to the absence of windows at roof level on the terrace of properties fronting onto Villa Park Road or other properties in the vicinity of the proposed development, and to the fact that the proposed development, as approved, provides for windows at attic level for both numbers 11 and 11a, the Board did not consider that the visual impacts on the terrace of houses were acceptable. The Board, therefore, considered that this element of the proposed development would be visually intrusive and would seriously injure the amenities of the area. Furthermore, having regard to the previous refusal pertaining to the same development, An Bord Pleanála appeal reference number 300448-18, there is no change in circumstances that would warrant a reversal of this decision. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**