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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0721**

**Appeal** by Michael and Sandra Quinn care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 26<sup>th</sup> day of October, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Rosaleen Bishop and Siobhan O'Dwyer care of Aughey O'Flaherty Architects of 32 Nassau Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the conversion from multi unit accommodation to a single family dwelling with ancillary granny flat at lower ground floor level and associated alterations internally and externally including the following: (i) the removal of the non original single storey structure to the rear (2 square metres), (ii) the removal of partitions, doors, secondary stair, floor coverings, toilets and kitchens, (iii) internal and external alterations including widened opes/doors to the rear and side at all levels, new window opening to the side at first floor, new balconettes to the front at ground and first floor, new landing to the rear at ground floor to provide access to the garden level via an external stairs, (iv) the replacement of the kitchen, bathrooms, sanitary fittings and associated plumbing installations, (v) general refurbishment of the existing house (338 square

metres) including essential repairs as required to the floors, walls, windows, facades and roof and (vi) associated conservation works, site works and ancillary works at 3 Brighton Terrace, Monkstown, County Dublin (a protected structure RPS Reference 547).

## **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 and to the nature, form 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 amenities of property in the vicinity, would not be detrimental to the integrity, character and setting of the protected structure or other protected structures in the vicinity and would not adversely impact on the character of the Monkstown Architectural Conservation 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, as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of October, 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. The proposed development shall be amended as follows:
  - (a) The stairs to the lower ground floor interlinking the primary dwelling and the granny flat shall be retained.
  - (b) The bin storage area to the front of the property shall be omitted.
  - (c) The existing 'blind' window at first floor level within the gable (side) elevation of the building shall be retained in situ.
  - (d) The steel landing/balcony to the rear of the building shall be omitted and corresponding alternative arrangements provided for the treatment of the fenestration at upper ground floor level on this elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The use of the granny flat shall be ancillary to the use of the main house and shall not be sold or let as an independent living unit. When no longer required for use as a granny flat, the structure shall be incorporated back into the main dwelling and shall revert to use as living accommodation associated with same.

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

4. The first floor bathroom window within the western (gable) elevation of the building shall be glazed in obscure glass.

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

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 6. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. 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 or public holidays. Deviation from these times shall 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.

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**Maria FitzGerald**

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

**Dated this            day of            2019.**