



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0858

Appeal by Ian and Lisa Marconi care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 30th day of October, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Fergus Dolan care of Diarmaid Brophy Architects of 32 Lennox Street, Portobello, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of single storey elements and chimney to the side of the existing house along with other alterations to facilitate the construction of a new two storey and single-storey extension to the side, a new single storey porch and canopy to the north-eastern elevation and a new canopy to the south-western elevation. The existing roof and ridgeline will be extended to facilitate an attic conversion with a new gable end profile to the side of the house. Works to the existing house will include external wall insulation, new windows and four number new rooflights and PV panels to the pitched roof. External works will include the removal of existing garden structures and the construction of a new freestanding single-storey garage and a new garden shed. External works will also include the blocking up of the existing vehicle entrance and the construction of a new separate

pedestrian and vehicle entrance, with associated dished kerb, to Landscape Park and the construction of a new pedestrian entrance and new boundary wall along Churchtown Road Upper to replace a small portion of existing boundary wall and permitted hedgerow. Other external works will include the raising of the north-western boundary wall between the house and Churchtown Road Upper, new landscaping to the front, side and rear and all associated site works at 7 Churchtown Road Upper, 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, to the pattern of development in the area and to the nature, scale and layout of the proposed development, the Board considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the nature, scale, orientation and layout of the proposed development would not seriously injure the established pattern or character of the area and would not seriously injure the residential amenities of the area 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual 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.

4. The entire structure shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

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 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.

Paul Hyde

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

Dated this day of 2019.