



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1584/18

Appeal by Joseph G. Kelly and Ann E. Kelly of 18 Lavarna Grove, Terenure, Dublin against the decision made on the 17th day of January, 2019 by Dublin City Council to grant subject to conditions a permission to Suzanne Mannering care of Gavin Kirwan of 2nd Floor, 13 Baggot Street Upper, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing out buildings to the rear of existing dwelling house and the erection of a single story detached flat roof garden and storage room building to the rear of existing dwelling house at the end of the rear garden at 20, Lavarna Grove, Terenure, 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 pattern of development in the area, to the existing structures on site and to the limited nature and scale, it is considered that, subject to compliance with the conditions as set out below, the proposed development would 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 concurred with the analysis of the planning authority and considered subject to the conditions modifying its height and scale that the proposed development would not seriously injure the visual or residential amenities of adjoining properties.

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. (a) The proposed outbuilding shall be decreased to a maximum depth of 7.5 metres adjoining the boundary with number 18 Lavarna Grove.

(b) The proposed outbuilding shall be decreased to a maximum height of three metres.

Reason: In the interest of residential amenity.

3. The proposed development shall not be used for commercial purposes and its use shall be only incidental to the enjoyment of the principal dwelling on site. It shall not be separated from the principal dwelling by sale or lease.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. The noise level shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. The proposed development shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwellinghouse, as such, unless authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

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

Dated this day of 2019.