



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0026

Appeal by Paul Price and Éilis McDonnell care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 12th day of March, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Dónal O'Grady care of Architectural Farm of 149 Francis Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing single storey garage to rear, the construction of a two-storey extension to side and part two-storey/part single storey to rear, enlarging of existing first floor window to rear, solar panels to existing roof to side and rear, widening of existing driveway and all associated site works at 10 Rosary Gardens East, Library Road, Dún Laoghaire, County 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 zoning objective of the area, the pattern of development in the vicinity, the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development 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 having regard to the location of the proposed extension to the rear and side considered that the proposed development would not have a detrimental impact on the streetscape.

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. Details of the proposed east side elevation of the proposed development as viewed from the adjoining site to the east shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed widened entrance gate shall be a maximum width of 3.5 metres.

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

4. 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.

5. The footpath in front of the proposed new vehicular entrances shall be dished and strengthened at the developer's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and planning authority. With regards to the dishing and strengthening of the footpath, the developer shall contact the planning authority to ascertain the required specifications for such works and any required permits.

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

6. 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.

7. All necessary measures shall be taken by the developer to avoid conflict between construction traffic/activities and car/pedestrian/cyclist movements along Rosary Gardens East during construction works.

Reason: In the interest of safety.

8. 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.

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

Dated this day of 2019.