



An  
Bord  
Pleanála

**Board Order**  
**ABP-304737-19**

---

## **Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D19A/0221.**

**Appeal** by Enda Woods care of SSA Architects of 42 Haddington Road, Dublin against the decision made on the 28<sup>th</sup> day of May, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** The removal of the existing pitched roof and construction of a single-storey extension (118 square metres) at roof level to provide new second floor level extension with new roof terraces to main house together with new internal staircase and other associated internal works to form new living accommodation, together with a new external wrought iron spiral staircase to link the main floor of the house to the rear gardens. All at Villa Mara, Kilmore Avenue, Killiney, County Dublin. (This site is in an Architectural Conservation Area).

## **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 design, scale and finish of the proposed extension at roof level, and to the nature of the proposed internal works and external staircase, to the size of the overall subject site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be inconsistent with the broad mix of architectural design and form in the wider environs and would not adversely impact on the character of the Killiney Architectural Conservation Area. 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 noted that the environs of the subject site, comprises a broad range of house type, sizes and design forms, with varying curtilages and significant landscaping, including tree cover elements, within and adjoining properties and that this broad range of house styles is noted within the report of the Killiney Architectural Conservation Area. The Board, therefore, determined that the scale of the proposed roof level extension could be readily absorbed into this area without any adverse impact on visual amenity or conservation policy and that the distance of the extension to the site boundaries with other properties and the proposed form of the extension would not lead to any significant adverse impact on residential amenity.

## **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 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.

3. Water supply and drainage arrangements, including the 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. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 and 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.

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 the 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.

---

**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**