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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D19A/0233**

**Appeal** by Donal and Carol Brady and others of 13 Stillorgan Park Avenue, Blackrock, County Dublin against the decision made on the 9<sup>th</sup> day of August, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Viktoria O'Keefe care of Kane Architecture of 6 Clarinda Park North, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for the removal of the existing dormer roof, insertion of new pitched roof at higher level to create a new first floor level, incorporating additional first floor area of 118 square metres. A single storey extension to front of 14 square metres at ground floor level, replacement of existing window with entrance door, single storey extension to rear of 18 square metres and rear infill extensions of 17 square metres to existing footprint at ground floor level. Change of use in part from residential to commercial of 88 square metres of ground floor accommodation for cosmetic treatment practice ancillary to the residence. All at 16 Stillorgan Park Avenue, Stillorgan, County Dublin. Further public notices were received by the planning authority on the 15<sup>th</sup> day of July, 2019.

## **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, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 15<sup>th</sup> day of July, 2019, 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 part of the house to be used as a cosmetic treatment practice shall be ancillary to the use of the main house and shall not be sold or let as an independent unit. The practice shall be operated by the owner of the dwelling in accordance with the information submitted with the planning application. When no longer required for use as a cosmetic treatment practice, the structure shall be incorporated back into the main dwelling

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

3. The hours of operation of the cosmetic treatment practice shall be between 0830 hours and 1800 hours Mondays to Saturdays inclusive. Any changes to these times shall be subject to a new planning application.

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

4. Details including samples 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. 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.

6. Site development and building works shall be carried out between the hours of 0800 to 1900 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.

7. 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.

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**Michelle Fagan**

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

**Dated this            day of            2019.**