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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4133/19**

**Appeal** by Michael Walsh and Dolores Moran care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by Mark and Anne Ryan care of Brazil Associates Architects of The Studio, Maple Avenue, Stillorgan, County Dublin against the decision made on the 22<sup>nd</sup> day of November, 2019 by Dublin City Council to grant subject to conditions a permission to the said Mark and Anne Ryan in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing single storey porch and garage extension side gable wall of existing house and single storey garden room to rear and its replacement with a new part two-storey and part single storey extension to front, side and rear of existing house providing new side access to rear, garage on ground floor, new entrance porch, kitchen utility and living room extension with new overhead master bedroom, ensuite and dressing room on first floor. Works will also include the provision of a new dormer window to the existing converted attic together with a new shower room and store within the roof space of the proposed side extension. Works will include new windows, internal alterations and all associated site works

and drainage including widening of the existing vehicular entrance at 22 Temple Road, Dartry, 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 residential zoning objective in relation to the site and the policies and provisions as outlined in Dublin City County Council Development Plan 2016-2022, in particular on extensions and alterations to dwellings, the Board considered that, subject to compliance with the conditions set out below, the proposed extension of the dwelling would not seriously injure the amenity of the area through excessive overshadowing or overlooking, would not be prejudicial to public health, and would generally 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 received by An Bord Pleanála on the 19<sup>th</sup> day of December, 2019 and on the 29<sup>th</sup> day of January, 2020, 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 existing eaves line of the property shall be maintained on the front elevation and any protruding dormer elements shall be omitted from the front elevation, as per option B indicated on 'Proposed Front Elevation Options' drawing number 1919-AP-0100 received by An Bord Pleanála on the 19<sup>th</sup> day of December, 2019.

**Reason:** In the interests of orderly development and the visual amenities of the area.

3. First floor en-suite windows on the side elevation shall be permanently glazed with obscured glass as indicated on 'Proposed Plans and Elevations and Sections' drawing number 1919-PL-0100 received by the planning authority on the 3<sup>rd</sup> day of October, 2019.

**Reason:** In the interest of visual amenity.

4. The external finishes of the proposed extension including roof tiles/slates shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity

6. Site development and building works shall be carried out only between the hours of 0700 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. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

8. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of soil, debris and other material and if the need arises for cleaning works to be carried out on the adjoining joining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept clean and safe during the construction works and in the interest of orderly development.

9. The following requirements of the planning authority shall be strictly adhered to:
- (a) details of any works to any telephone poles, footpaths or kerbs associated with the widening of the entrance shall be provided to the requirements of the planning authority,
  - (b) gates shall be inward opening only and shall not open on to the public footpath,
  - (c) all costs incurred by planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer,
  - (d) the developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interest of orderly development.

10. 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.

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

**Dated this                      day of                      2020**