



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4319/19

Appeal by Fiona Tyrrell of 29 Dean Swift Road, Ballygall, Dublin against the decision made on the 17th day of December, 2019 by Dublin City Council to grant subject to conditions a permission to Heather Hawthorne and Neil Tanner care of The House Architects of Father Mathew Hall, 131 Church Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alteration/extension of the existing two storey terraced house comprising of demolition of existing shed and construction of a new two-storey flat roof extension and single storey flat roof extension to the rear including with one number Velux rooflight to the existing rear roof slope with associated site development at 27 Dean Swift Road, Ballygall, 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 for the area and the pattern of development in the area, 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, would not be prejudicial to public health, 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, 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 proposed development shall be amended as follows:
- (a) the first floor element of the proposed extension shall have a maximum depth of 4 metres from the rear wall of the original dwelling on the site,
 - (b) the first floor level of the permitted extension shall be set back from the northern boundary shared with the adjoining property at number 25 Dean Swift Road by a minimum of 600 millimetres for a distance of 1.5 metres from the rear wall of the original dwelling and by a minimum of 2.5 metres for the remaining 2.5 metres of the permitted 4 metre deep first floor extension,
 - (c) the maximum height of the two-storey extension shall be reduced by 0.385 metre to be a maximum of 5.615 metres above the existing ground level on site,
 - (d) the maximum height of the first floor element of the permitted extension where it adjoins the site boundaries to numbers 25 and 29 Dean Swift Road shall be reduced by 0.350 metre to be a maximum of 3.650 metres above the existing ground level on site, and
 - (e) the window in the south facing elevation of the first floor level of the extension shall be fitted and permanently maintained with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. 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.

4. 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 2020.