



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0997

Appeal by Carole and Bruno Vidalinc care of Patrycja Rogala of 81 Barton Road Extension, Rathfarnham, Dublin against the decision made on the 20th day of February, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for development comprising the demolition of existing out buildings to the side, and rear garage, construction of new two-storey extension to the side and rear of the existing house, external insulation, replacement of existing windows, front porch, alteration to existing dormer windows to front and rear, new Velux type window in the front roof, new garage with studio apartment over in the front garden, some internal alterations and associated site works, at Coolhaven, Brighton Road, Foxrock, Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the demolition of existing out buildings to the side, and rear garage, construction of new two-storey extension to the side and rear of the existing house, external insulation, replacement of existing windows, front porch, alteration to existing dormer windows to front and

rear, new Velux type window in the front roof, some internal alterations and associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for new garage with studio apartment over in the front garden, based on the reasons and considerations marked (2) under

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 (1)

Having regard to the scale and design of the extension and alterations proposed to the existing two-storey dwelling, which have adequate regard to the design, scale and proportions of the existing dwelling, the character of the area and its designation as an Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would be acceptable in the context of the visual amenities of the area and the amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of 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. 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.

3. 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.

Reasons and Considerations (2)

Having regard to the location of the proposed two-storey garage/apartment unit in the front garden of the existing dwelling, the established pattern of development and the requirements of Section 8.2.3.4 (iii) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in relation to 'Family Member/Granny' Flat Extensions, it is considered that this element of the proposed development would be contrary to the established pattern of development in the area, would have an unacceptable impact on the character of the designated Architectural Conservation Area, would provide for an independent residential unit within the curtilage of an existing dwelling, contrary to development plan policy and would set an undesirable precedent for a similar type pattern of development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020