



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0098

Appeal by Paul Tierney care of Michael Tierney of Toghermore, Tuam, Galway against the decision made on the 25th day of May, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Widening of the existing building by 1.3 metres, construction of a new ground floor, first floor and basement extension to the side and rear, alteration of roof profile to front and rear and associated site works. The proposed extension is to facilitate additional bedrooms, a larger kitchen and increased living space, all at Lisheen, Dundrum Road, Dundrum, 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 pattern of development in the area, the nature, form, scale and design of the proposed development, the topography of the site, and the conclusions of the Site Specific Flood Risk Assessment, it was considered that, subject to compliance with the following conditions, the proposed development would be acceptable in terms of visual and residential amenity and would not increase the risk of flooding in the 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 considered the design of the extension and its supporting structure and accepted the conclusion of the Site Specific Flood Risk Assessment, submitted with the appeal, that the proposed development would not result in displacement of fluvial floodwaters, would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would, therefore, be acceptable in terms of flood risk in 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 17th day of June, 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 proposed development shall be amended so that the ground floor extension to the rear shall be reduced in depth from 6 metres to 5 metres as described in Option 2 A of the appeal document submitted to An Bord Pleanála on the 17th day of June, 2020.

Revised drawings showing compliance with this requirement 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. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The development shall be constructed in compliance with the recommendations of the Site Specific Flood Risk Assessment submitted to An Bord Pleanála on the 17th day of June 2020, so that the underside of the proposed floor slab shall be constructed to a minimum level of 38.461m OD, and shall be supported by two 0.35 metre by 0.35 metre square concrete columns.

Reason: In the interest of public health.

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 only between the hours of 0800 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. 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.