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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: D20A/0097**

**Appeal** by Áine Hayes care of Sheridan Woods of 14 Baggot Street Lower, Dublin against the decision made on the 25<sup>th</sup> day of May, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Permission for modifications to previously approved application (planning register reference number D19A/0282) to include one number additional two-bedroom apartment (circa 89 square metres) with balcony area and associated privacy screens at second floor level, roof lights, solar panels, all located over the permitted development located generally to the rear (west) of the site, total development comprises a gross area of circa 607 square metres, on a site area of circa 0.0545 hectares, all associated modifications to permitted elevations and plans, and all associated site works at Saint Anne's, Main Street/Dublin Road, at junction with Stonebridge Close, Shankill, County 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 zoning of the site, to the nature and extent of development currently permitted under planning register reference number D19A/0282, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining residential properties, would not adversely affect the character of the surrounding streetscape, would not seriously injure the amenity and aspect of the internal courtyard and the amenity of the residential units as permitted on site under planning register reference number D19A/0282, would be acceptable in terms of pedestrian and traffic safety, and would constitute an appropriate form and layout of residential development at this location. 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 totality of the documentation lodged with the application and appeal, and determined that the proposed additional apartment would not lead to an unacceptably visually dominant and overbearing form of development at this location. Specifically the Board considered that the design and positioning of the proposed additional apartment and the nature of the materials proposed, would not lead to this additional apartment at second floor level dominating the original front building onto Dublin Road or negatively impacting on the streetscape.

The Board also considered that the potential impact on properties at Stonebridge Close with regard to overbearing or overlooking, would not be materially adverse such as to warrant a refusal of permission, due to the positioning of the proposed apartment, the fact that the proposed development is facing towards the front areas of properties on Stonebridge Close and to the set-back of the proposed apartment at second floor level.

The Board also noted and agreed with the opinion of the Inspector that the proposed development would not lead to significant overshadowing or overlooking/loss of privacy of the adjacent housing at Crinken Villas, and that any loss of amenity to the internal courtyard and balcony areas permitted under planning register reference number D19A/0282 would not warrant a refusal of permission.

## 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number D19A/0282, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. No additional development shall take place above roof parapet level, including telecommunication aerials, antennas or equipment, unless authorised by a further grant of permission.

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

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.

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

**Dated this            day of            2020.**