



An
Bord
Pleanála

Board Order
ABP-307447-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0196

Appeal by Ian Hanney of 80 Watson Park, Killiney, County Dublin against the decision made on the 10th day of June, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Liam O’Kelly of 99 Weirview Drive, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from offices to residential use including a single storey and two storey extension to rear of existing building at Kingston House, 64 Patrick Street, Dún Laoghaire, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the existing pattern of development in the area, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to any significant overlooking or constitute overbearing development and would therefore not seriously injure the amenities of the area or of property in the vicinity and would provide an acceptable level of residential accommodation. 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 dwelling and ancillary shed shall be jointly occupied as a single residential unit only.

Reason: In the interest of clarity.

3. The north and south facing windows at first floor level of the proposed dwelling shall be permanently fitted with manufactured opaque or frosted glass. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of visual and residential amenity of the area.

4. Prior to commencement of development, revised drawings, suitably scaled, showing a 20% reduction in the glazed window area of the proposed east facing first floor bedroom shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity.

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020