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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1139/20**

**Appeal** by Brian and Catherine O’Flynn of “Breffni”, 14 Merlyn Park, Ballsbridge, Dublin against the decision made on the 29<sup>th</sup> day of June, 2020 by Dublin City Council to grant subject to conditions a permission to Paraic McKeogh care of Jakkulla Architecture and Design of 56A Ramleh Park, Milltown, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing - side garage, rear stores, rear structures, rear single storey extension of 25 square metres at ground floor, and a chimney to rear pitch roof, construction of a single storey L shaped extension with flat roof structure to side and rear of existing semi-detached dwelling at ground level of 59 square metres with porch conversion, first floor gable elevation window amended, attic conversion of 35 square metres to bedroom and ensuite with dormer window to rear, hip roof modified to accommodate new staircase, velux rooflights to rear and side pitched roof, and solar panels to front pitched roof, and widening of vehicular access, and all associated site development works on a site of 610 square metres area. All at 12 Merlyn Park, Ballsbridge, 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 design 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 visual or residential amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the zoning objective of the current Dublin City Development Plan and 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 dormer shall be reduced from 4.9 metres to four metres in width. 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 interest of visual amenity.

3. The external finishes of the proposed extensions (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agreed in writing with the planning authority.

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

4. No part of the roof of the extension shall be used as a balcony/terrace/roof garden.

**Reason:** In the interests of residential and visual amenity.

5. The existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

6. 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.

7. 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.

8. 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 the 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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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**