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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1175/20**

**Appeal** by Catriona and Tony Dorman and others care of Phelim Joseph Byrne of 6 Malahide Road, Clontarf, Dublin and by others against the decision made on the 3<sup>rd</sup> day of July, 2020 by Dublin City Council to grant subject to conditions a permission to Ignacio Moran and Martha Gomez care of O’Keeffe Architects of Suite 1, The Avenue, Beacon Court, Bracken Road, Sandyford, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of new two-storey extension to the side and rear of the existing dwellinghouse (145.18 square metres), along with associated remodelling of the existing house, its drainage, landscaping and associated works, including demolition of an existing single storey (11.4 square metres) rear extension, the widening of existing vehicular gateway and provision of car parking to the front of the house, all at 28 Seafort Gardens, Sandymount, 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 the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of properties in the area and would be in keeping with the character of the area. The proposed development would, therefore, be in accordance with the zoning objective as set out in the Dublin City Development Plan 2016-2022 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 development shall be amended as follows:
  - (a) the proposed wall adjacent to the front entrance shall be a maximum height of 1.2metres only;
  - (b) the scale of the proposed extension to the rear shall be reduced at ground and first floor levels as follows-
    - (i) at ground floor level, the 'snug area' and its roof shall be omitted in entirety and the development shall align with the remainder of the ground floor extension, and
    - (ii) at first floor level, the depth of the extension shall be reduced in order to align with the rear wall of the first floor of the adjoining property to the south, at number 27.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, except 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 0700 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 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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**Michelle Fagan**

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

**Dated this            day of            2020.**