

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3224/20

Appeal by Fiona Cartin of 40 Manor Place, Dublin against the decision made on the 12th day of October, 2020 by Dublin City Council to grant subject to conditions a permission to Sandra Hoey care of H2B Architects of 20 Moyview, Kildalkey, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for first floor extension to rear of existing house, extension increasing floor area for second bedroom with frosted windows and all associated site works at 16 Ivar Street, Stoneybatter, 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 scale of the first floor extension, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development for which retention is sought 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 that the conditions imposed would sufficiently mitigate the overlooking of adjoining properties, and the limitation of the use would not set an undesirable precedent for similar development in the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this order, the following amendments shall be completed;
 - (a) The opening sections of the windows on both sides of the extension at first floor level shall be replaced with permanently non-openable fixed sections.
 - (b) The opening section of the window to the rear shall be replaced with a bottom hung inward tilting window section.
 - (c) All windows of the first floor extension shall be permanently glazed with opaque glass.

Details including a timeline for completion of the works shall be agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

3. The room within the first floor extension shall be used for utility purposes only and shall not be used as a bedroom or any type of habitable room.

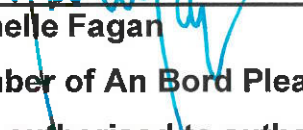
Reason: In the interest of residential amenity.

4. 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.

5. 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 **27th** day of **April** 2021

