



Planning and Development Acts 2000 to 2020

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D20A/0679

Appeal by Michael Murphy care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 13th day of November, 2020 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Finian Healy care of M.H.M. Design of Clearview, Ballykea Road, Loughshinny, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for minor alterations to existing two-storey house (2a Woodbine Avenue) to accommodate (A) two storey granny flat to side, (B) widening of existing vehicular access, (C) associated off-street car parking, and (D) all associated site works on site, all to side of 2A Woodbine Avenue, Booterstown, 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 residential zoning of the site, the policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022, and the subsidiary nature of the extension to the existing property for ancillary use, it is considered that, subject to compliance with the conditions set down below, the proposed development would not seriously injure the amenities of the area or of adjacent residences, would not constitute a separate dwelling on the site and 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 proposed development, with no separate kitchen or cooking area and clear connectivity between the ground floor and first floor areas of the primary dwelling, would comply with the provisions of the Development Plan for a family/granny flat extension to facilitate a family need, subject to conditions set out below to restrict the use of the extension.

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 family/granny flat extension shall be occupied by a member(s) of the immediate family of the occupier of the main dwelling and the link to that dwelling shall be maintained. Should the use of the family member flat cease, it shall revert to use as part of the main dwelling. The family member flat shall not be used as a separate dwelling with its own curtilage, and shall not be sold, let or otherwise transferred or conveyed independent of the main dwelling.

Reason: in the interest of orderly development and residential amenity.

3. The vehicular entrance shall be a maximum of 3.5 metres in width as for a single residential dwelling.

Reason: in the interest of orderly development and to comply with the relevant provisions of the Development Plan.

4. 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 Part 1 of Schedule 2 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

5. Water supply and drainage arrangements, including the attenuation and 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. 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.

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.

Dave Walsh

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

Dated this day of 2021.