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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3565/20**

**Appeal** by Greg Devlin of 8 Brighton Square, Rathgar, Dublin and by John Doyle and Anne Ryder care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 7<sup>th</sup> day of December, 2020 by Dublin City Council to grant subject to conditions a permission to the said Greg Devlin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing lean-to single storey breakfast/dining area (4.9 square metres) to the existing kitchen at the rear return of the house, and the demolition of the two existing stone and slate lean-to back garden sheds, (totalling 5.06 square metres), apart from the party walls to same. The development will consist of the construction of a new breakfast/dining area of 11.29 square metres incorporating the existing lean-to area in the return; a new study/bedroom area of 18.60 square metres including an en-suite toilet area and a link from the new breakfast/dining area to the study/bedroom area, totalling 7.11 square metres all at ground floor level. The bedroom in the rear return area over the existing kitchen area is to be extended by 9.82 square metres and is to include an en-suite toilet area. The development is to include roof lights, associated site works and other sundry works, all at 8 Brighton Square, Rathgar, 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 pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would not seriously injure or affect the character of the Residential Conservation Area. 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 development shall be amended as follows:
  - (a) the first-floor extension, shall be reduced in depth, measured externally by 1.5 metres, to match the depth of the adjacent first floor extension, and
  - (b) the first-floor corner window on the north western corner of the extended first floor bedroom shall be omitted.

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

**Reason:** In the interest of clarity and the protection of the general and visual amenities of the Residential Conservation Area and the protection of residential amenities of adjacent properties.

3. 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.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

6. 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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Paul Hyde

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

Dated this *29<sup>th</sup>* day of *April* 2021.