

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3993/20

Appeal by Michael Nesbitt and others care of Tom Phillips and Associates of 80 Harcourt Street, Dublin and by Aidan O'Brien care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 23rd day of February, 2021 by Dublin City Council to grant subject to conditions a permission to Aidan O'Brien in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a single-storey extension to rear, first floor extension to front and alterations to front elevation, attic conversion with alteration to the roof and amended vehicle and pedestrian access with associated site works, all at 33 Waterloo Lane, 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

The proposed development is in an area zoned to protect, provide for and improve residential amenity in the Dublin City Development Plan 2016-2022. Having regard to the pattern of development in the area, the relatively modest scale of the proposed development and subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the visual or residential amenity of the area and would be in accordance with the zoning objective for the 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 windows on the rear plane of the roof shall be permanently glazed in opaque glass.

Reason: In the interest of residential amenity.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, including window and door joinery and the vehicular and pedestrian gates, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

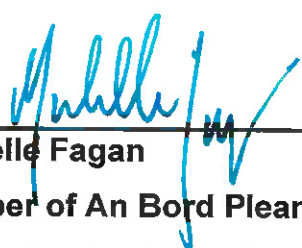
5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

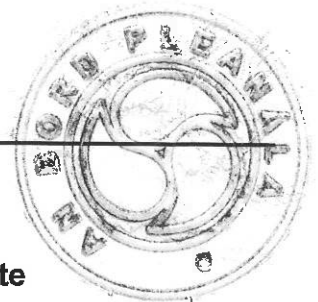


6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



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



Dated this **27th** day of **May** 2021.