

An
Bord
Pleanála

Board Order
ABP-310000-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D20B/0398

Appeal by Enda Bannon and Margaret Bannon of 28 Nutgrove Park, Clonskeagh, Dublin against the decision made on the 29th day of March, 2021 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Philip McLaughlin care of McGill Design of 28-30 Rathmines Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey extension and two dormer windows to the rear of the property, internal reconfigurations, site landscaping and all other associated site works, all at 26 Nutgrove Park, Clonskeagh, 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 location of the site in an area zoned A in the Dun Laoghaire Rathdown County Council Development Plan, 2016-2022 for which the zoning objective is “to protect and/or improve the residential amenity”, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health and would 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, as amended by the further plans and particulars submitted to the planning authority on the 5th day of March, 2021 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. Water supply and drainage arrangements, including the collection, attenuation and disposal of surface water, shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health, and clarity.

3. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. The house and the extension shall be occupied as a single dwelling unit and shall not be subdivided or used for commercial purposes the extension shall not be let, leased or otherwise transferred except as part of the single dwelling unit.

Reason: In the interest of residential amenities

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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

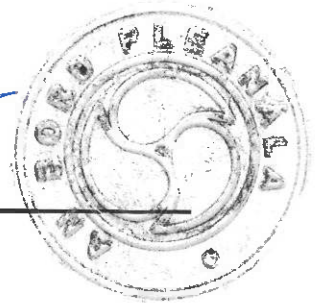
of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.



Paul Hyde

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



Dated this 28th day of June 2021.