



An
Bord
Pleanála

Board Order
ABP-310443-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1286/21

Appeal by Daniel Martin care of Rogers Brassil Associates of 72 Albert Road Lower, Sandycove, Dún Laoghaire, County Dublin against the decision made on the 12th day of May, 2021 by Dublin City Council to grant subject to conditions a permission to Bill Ahessy care of Culligan Architects of 3A Brookfield Terrace, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of an existing single storey extension and roof to the rear of the property and construction of a two-storey extension comprising a bathroom and bedrooms at first floor level. As part of the proposed works some internal alterations to the existing house are proposed at Number 5 Garden Terrace, Clanbrassil Street Upper, 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 zoning objective for the site, the pattern of development in the vicinity and the policies of the Dublin City Development Plan 2016 to 2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of 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 proposed development shall be amended as follows:
 - (a) No part of the first-floor level rear extension, including eaves and rainwater goods, shall oversail the rear boundary. All parts shall be maintained entirely within the confines of the site.
 - (b) The glazing of the first-floor rear window shall be of manufactured opaque or frosted glass and shall be permanently maintained as such. The application of film to the surface of clear glass is not permitted. The first floor rear window shall not be openable.
 - (c) Any mechanical and ventilation systems required to facilitate the proposed development shall be accommodated at roof level and shall not vent out or otherwise from the rear elevation of the dwelling.

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 residential amenities of adjacent properties.

3. 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.

4. 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.

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 construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.



Michelle Fagan

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

Dated this 21st day of September 2021

