

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0388

Appeal by Peter Kelly and Paul Kelly of Saint Mary's, 12 Booterstown Park, Blackrock, County Dublin against the decision made on the 18th day of June, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Kim Ella Kenny and Nicky Green care of Extend Architects of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: (1) demolition of existing front porch and construction of a new two storey bay matching existing bay, (2) construction of a new attic level dormer windows to front and back, (3) upgrading of existing side and rear extensions including replacing rear pitched roof extension with a new flat roof, (4) construction of a new single storey flat roof extension to the rear, (5) construction of a new flat roof first floor extension over existing single storey extension to the rear, (6) elevational alterations and internal alterations and modifications to accommodate new internal layout, (7) new flat roof detached garden room in the rear of the back garden, (8) alterations to landscaping, drainage works and ancillary and associated works, all at Number 14 Booterstown Park, Booterstown, Blackrock, 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 objective of the site, the provisions of section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the nature, scale, and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

COMPLETION
36
DM

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 garden room structure shall only be used for purposes ancillary to the main dwelling, and shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the garden room structure in the interest of residential amenity.

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.

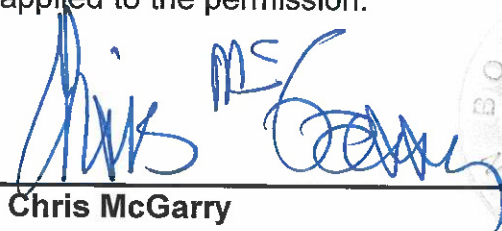
4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior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

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


GM 3/6

5. 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.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 7th day of March 2022

