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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D21A/0503**

**Appeal** by Caroline O’Gorman care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 23<sup>rd</sup> day of July, 2021 by Dun Laoghaire Rathdown County Council to refuse permission to the said Caroline O’Gorman:

**Proposed Development:** Development comprising the demolition of the existing extensions to rear and side of the existing detached two storey dwelling; the construction of new two-storey extensions to the rear, side and front to include new porch at the entrance, widening of the bay at the front, alterations to windows and fenestration layouts, new roof lights, widening of existing vehicular access, internal alterations, landscaping and all ancillary works necessary to facilitate the development; all at Killary, 28 Marlborough Road, Glenageary, 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 site characteristics, the pattern of development in the area and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character of Marlborough Road, a candidate Architectural Conservation Area and would not seriously injure the residential amenity of adjacent properties. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 19<sup>th</sup> day of August, 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. The proposed development shall be modified as follows:
  - (a) the proposed development shall be built in accordance with the Alternative Design Option submitted to An Bord Pleanála with the appeal documentation on the 19<sup>th</sup> day of August, 2021,
  - (b) the vehicular entrance shall be retained, and
  - (c) all first floor windows in the north and south elevations shall be fitted with opaque glazing which shall be permanently maintained.

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 visual amenity, the protection of the streetscape and the architectural character of area



3. Details of the materials, colours and textures of all the external finishes to the proposed development, including roof slates/tile, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

5. The construction of the development shall be managed in accordance with a Construction 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.

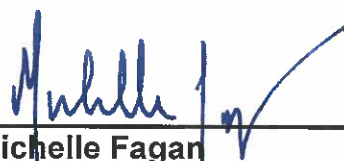
**Reason:** In the interests of public safety and residential amenity.

6. 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.

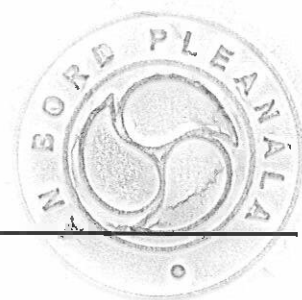
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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, which may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme. 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 31<sup>st</sup> day of January 2022.