

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0582

Appeal by Owen and Joan MacCarthy of 44 Ballinteer Drive, Ballinteer, Dublin against the decision made on the 17th day of August, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of a two-storey extension and alterations to side and rear of previously approved development (planning register reference number D20B/0013) and original semi-detached dwelling at 44 Ballinteer Drive, Ballinteer, Dublin.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to -

- (i) **ATTACH condition number 2 and the reason therefor, based on the following reasons and considerations.**

It is considered that the attachment of condition number 2 is necessary in the interests of the preservation of residential amenity and the proper planning and sustainable development of the area.

- (ii) **ATTACH conditions numbers 8, 9 and 10 and the reasons therefor based on the following reasons and considerations.**

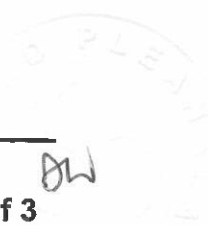
The Board considered that in calculating the amounts to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016-2020, as adopted, had been properly applied in respect of condition numbers 8, 9 and 10.

- (iii) **AMEND condition number 5 so that it shall be as follows for the reason set out, based on the reasons and considerations set out below.**

5. The existing dwelling and extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling. The extension shall not be used for commercial purposes.

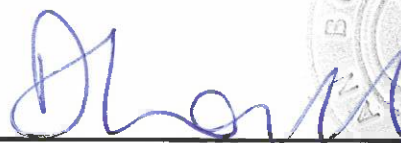
Reason: To protect the amenities of property in the vicinity and in the interests of clarity.

It is considered that the amendment of condition number 5 is necessary for the purposes of clarity and in the interests of residential amenity.



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.



Dave Walsh

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

Dated this *28th* day of *February* 2022.