



An
Bord
Pleanála

Board Order
ABP-311607-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3234/21

Appeal by Joelle Fagan of 'Valhalla', Saint Margaret's Avenue, Raheny, Dublin and by Michelle and Robert Pennie of 31 Kilbarrack Road, Dublin against the decision made on the 17th day of September, 2021 by Dublin City Council to grant subject to conditions a permission to the said Joelle Fagan in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of 1) a single storey dormer extension to the side and rear, 2) a new roof structure on the entire dwelling with a raised ridge and dormer to the rear, 3) a new canopy structure to the front over the front door, 4) a new pedestrian access to the front boundary with associated pillars and new gate, 5) increase the height of the existing pillars to the front boundary wall with a new metal railing on top of the existing front boundary wall, and all associated site works at Valhalla, Saint Margaret's Avenue, Dublin.

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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 Z1 residential zoning objective for the area as provided for in the Dublin City Development Plan 2016-2022, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars submitted 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 first floor bathroom and landing windows shall be permanently fitted with opaque glazing.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extension shall match the existing dwelling in respect of materials and colour, and any rainwater goods, fascia and soffits shall be finished in a dark colour in order to blend with the roof finish.

Reason: In the interests of visual and residential amenity.

4. The existing dwelling and proposed 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Entrances onto Saint Margaret's Avenue shall not have outward opening gates.

Reason: In the interest of public safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

8. 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 the 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 11th day of April 2022

