

An
Bord
Pleanála

Board Order
ABP-311895-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D21B/0439

Appeal by Paul Price and Éilis McDonnell of 9 Rosary Gardens East, Library Road, Dún Laoghaire, County Dublin against the decision made on the 13th day of October, 2021 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Elaine Walsh care of Niall Small of 2 Claremont House, Claremont Park, Sandymount, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing single storey extension to rear and the construction of a new two-storey extension to front and rear of dwelling. The new extension is to include rooflights and solar panels to the proposed roof, internal modifications, a garden shed to the rear of the site and connection to all main site services and associated works, all at 11 Rosary Gardens East, Dun Laoghaire, 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 provisions of the current Dun Laoghaire-Rathdown County Development Plan, to the pattern of development that characterises its immediate setting, to the zoning of the site and its setting for residential purposes, to the location of the site in an established residential area and to the nature, form, scale, and design of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area and 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 roof structure over the side two-storey extension shall be revised to a flat roof structure with an eave's height matching that of the flat roof two-storey rear extension. In this regard, the roof over the proposed extension shall not exceed the eaves height of the main house. Revised plans and particulars 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 interests of architectural harmony and visual amenity.

3. Only structures indicated for demolition on the plans lodged with this application shall be removed.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The external finishes of the proposed works shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. The proposed velux roof lights to the front and rear roof slope shall be fitted, and permanently maintained, with centre hung, swivel type window openings and shall be of a design that does not protrude above the slope of the main roof structure.

Reason: In the interest of residential amenity.

6. The entire premises shall be used as a single dwelling 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.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 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.

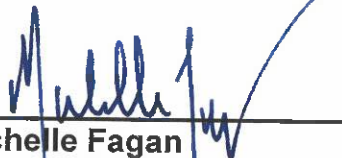
Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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.

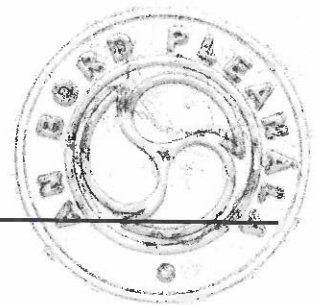
Reason: In the interests of public safety and residential amenity.

10. 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.



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



Dated this 9th day of March 2022.