

An
Bord
Pleanála

Board Order
ABP-312159-21

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21B/0163

Appeal by Séamus Ó hÉalaithe of 36 Whitehall Road, Kimmage, Dublin and by Lorna Larkin of 40 Whitehall Road, Terenure, Dublin against the decision made on the 15th day of November, 2021 by South Dublin County Council to grant subject to conditions a permission to Jeff and Cathy Murphy care of Nicholas Mernagh Architects of Mullanour, County Wexford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Erection of alterations and extensions to an existing dwellinghouse consisting of a single storey extension to the rear and a two-storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works at 38 Whitehall Road, Terenure, 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.

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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 for the area, to the design and scale of the proposed development, and to 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 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.

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 submitted on the 18th day of October 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 flat roof to the extension to the rear of the house shall be accessed for maintenance purposes only and shall not be used as a balcony or terrace.

Reason: To prevent overlooking of adjoining residential properties.

3. The recommendations contained in the site-specific flood risk assessment received by the planning authority on the 18th day of October, 2021 shall be complied with in respect of the development.

Reason: To protect against flooding.

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. The external finishes of the proposed extension, including roof tiles/slates, shall be consistent with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

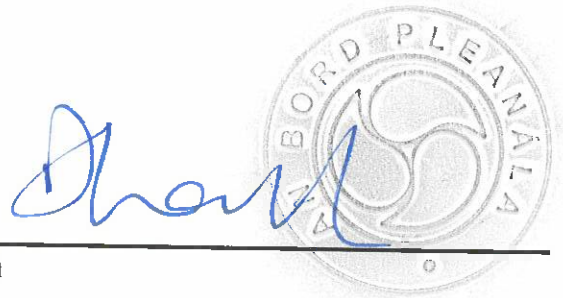
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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.

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 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. The application of any indexation required by this condition 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.

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.

A handwritten signature in blue ink is written over a circular seal. The seal features a stylized 'S' or 'B' logo in the center, with the words 'AN BORD PLEANÁLA' around the perimeter. The signature is written in a cursive style, with the first part being 'Dave' and the last part being 'Walsh'.

Dave Walsh

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

Dated this 21st day of April 2022.