

An
Bord
Pleanála

Board Order
ABP-312562-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3822/21

Appeal by Linda and Michael Norton of 94 Kincora Road, Clontarf, Dublin and by Derek Beatty care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 12th day of January, 2022 by Dublin City Council to grant subject to conditions a permission to Colm and Mai Gallagher care of David Moran of 118 Home Farm Road, Drumcondra, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change previously approved house (An Bord Pleanála reference number ABP-307815-20 and planning register reference number WEB1182/20) from single to two-storey detached house by adding first floor extension to provide one additional bedroom, bathroom and service area and the construction of one detached garage 9.46 metres to the east side of the previously approved single storey house together with associated site and drainage works, all to the rear of number 45 Belgrove Road, Clontarf, 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.

Reasons and Considerations

Having regard to the residential land use zoning of the site, the nature, scale and design of the proposed development, the pattern of development in the area, and the policies and provisions contained in the National Planning Framework Plan and the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Appropriate boundary treatments shall be developed between the proposed dwelling and existing dwelling on the associated landholding and the adjoining sites with a height of between 1.8 metres to two metres. Details of the said boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area and to prevent overlooking of adjoining gardens.

3. The window at first-floor level in the west-facing elevation serving the bathroom shall be permanently fitted with obscure glazing and shall be top-hung opening only. Access to the first-floor roof shall only be permitted for necessary maintenance of the roof or windows. For the avoidance of doubt, the first-floor roof shall not be used for amenity purposes without a separate grant of planning permission.

Reason: In the interest of the visual and residential amenities of the area.

4. Apart from any departures specifically authorised by this permission, the proposed development shall be carried out and completed in accordance with the terms and conditions of the permission granted under An Bord Pleanála reference number ABP-307815-20 (planning register reference number WEB1182/20).

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

5. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of the residential amenities of surrounding properties and in the interest of clarity.

6. The garage shall not be put to commercial use, and its use shall be only incidental to the enjoyment of the principal dwelling on site. It shall not be separated from the principal dwelling by lease or sale.

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

7. The construction of the proposed 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 proposed development, including management measures for noise, dust and dirt, and construction traffic management proposals.

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

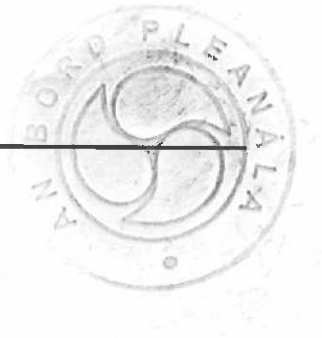
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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. 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.



Tom Rabbette

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



Dated this *18th* day of *April* 2023.