

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3829/21

Appeal by Vincent and Una Coyne care of O'Donnell Partners of 52 The Old Distillery, Anne Street North, Dublin and by Kate and John Grey care of Gilna Architecture of Fumbally Exchange, Argos House, Malpas Street, Dublin against the decision made on the 12th day of January, 2022 by Dublin City Council to grant subject to conditions a permission to Avril McHugh care of Paul Sheehy of 4 Maywood Crescent, Raheny, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for (1) partial demolition of the existing dwelling (ground and first floor) to the front, side and rear, including the removal of the bay window to the front and planning permission for the construction of: (2) a single storey extension to the front with a flat roof/ balcony over, (3) a two-storey extension to the side of the existing dwelling with a zinc clad dormer to the side at attic level, (4) a two storey gable ended extension to the rear of the existing dwelling, with a glazed central courtyard/ light well, and a screened balcony to the rear garden at first floor level, (5) six number new skylights to the front and rear at attic level, (6) new fenestration to the front elevation, (7) internal alterations and deep retrofit upgrades throughout, (8) a proposed single storey detached ancillary family garden

room and store in the rear garden and (9) all associated landscaping, SUDS drainage, and site works, all at 416 Clontarf Road, 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 condition(s) set out below.

Reasons and Considerations

Having regard to the zoning objective for the site and the pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with the conditions set out below, the proposed extension would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the views of the planning authority having regard to the pattern of development in the area, the nature and scale of the proposed development, the size and scale of the permitted extensions to the rear of the neighbouring properties and considered that subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of the neighbouring properties.

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 proposed development shall be amended as follows:
 - (a) The balcony function to the rear first floor level shall be omitted. The development shall omit the overhang and side screening to the proposed balcony space to reduce the depth of the first floor by 1.5 metres at the northeast side. The glazed door to the rear first floor level shall be replaced by a glazed panel.
 - (b) The flat roof of the front and rear single-storey extensions shall not be used as a balcony, roof garden or for any other amenity purposes.
 - (c) The side dormer window proposed in the main roof shall be omitted.

Revised drawings 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 visual and residential amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

5. 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.

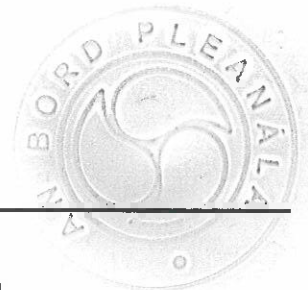
Reason: In the interests of public safety and residential amenity.

6. 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 27th day of May 2022.