

**An
Bord
Pleanála**

**Board Order
ABP-312731-22**

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB5001/21

Appeal by Thomas Butterly of 39 Saint Anne's Avenue, Raheny, Dublin against the decision made on the 19th day of January, 2022 by Dublin City Council to grant subject to conditions a permission to Gavin Beaddie and Jennifer Roche care of Planning2extend Limited of 17 Clonshaugh Meadow, Clonshaugh, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission and Retention: The development consists of the demolition of the existing front porch roof and side garage at ground floor level. The construction of a new single-storey extension to the front, side, and rear of the existing dwelling to include a porch, utility, playroom and new kitchen/living/dining space. Also included is new vehicular access from Saint Anne's Avenue. Retention of 31 square metres single-storey structure to the rear garden of existing dwelling. The development is to include internal alterations, landscaping along with new boundary walls to the side and front of the site, and all ancillary site works and drainage at 37, Saint Anne's Avenue, Clontarf East, 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 pattern of development characterising this area, to the design, built form and layout of the development sought under this application, and to the provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and for permission would not seriously injure the amenities of nearby dwellings and would not seriously injure the visual amenities of the area. 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 14th day of December 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 development hereby approved shall incorporate the following amendments:
 - (a) The proposed extension to the front shall have a maximum depth of 1.5 metres from the primary front building line of the dwelling.
 - (b) The proposed boundary wall to the south-west shall have a maximum height of two metres and shall not extend forwards of the primary front building line of the dwelling.

Reason: In the interests of orderly development and visual amenity.

3. The entire premises shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

4. The domestic outbuilding shall be solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for other type of residential use, industrial, business and/or commercial purposes.

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

5. The external finishes of the proposed extension and samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. The following requirements of the planning authority's Transportation Planning Division of Dublin City Council shall be complied with:
 - (a) Driveway entrance shall not exceed 3.0 metres in width and shall not have outward opening gates.
 - (b) Footpath and kerb shall be dished and entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.
 - (c) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
 - (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure a satisfactory standard of development.

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.

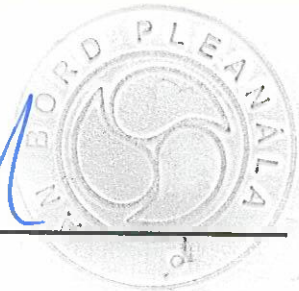
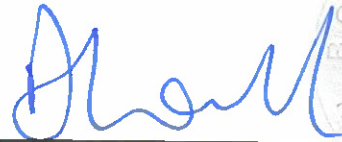
Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction and Demolition 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 hours of working, 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.



Dave Walsh

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

Dated this *24th* day of *May* 2022