



An
Bord
Pleanála

Board Order
ABP-313353-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3173/22

Appeal by Anthony Farley of 99 Kickham Road, Kilmainham, Dublin against the decision made on the 24th day of March, 2022 by Dublin City Council in relation to an application by Ronan Kerrigan care of Douglas Wallace Architects of 1 Grantham Street, Dublin for permission for retention and completion permission for (a) single storey extension to the rear and (b) alterations to the side elevation including relocation of the entrance door and addition of a first floor window, (c) boundary treatment including new wall and gate to private open space and new vehicular access, all to the existing two-storey end of terrace house at 100 Kickham Road, Kilmainham, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the single storey extension to the rear, alterations to the side elevation including relocation of the entrance door and addition of a first floor window, boundary treatment including new wall and gate to private open space and to refuse permission for the vehicular access with dished footpath on Kickham Road and associate in-curtilage car parking area.)

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Decision

GRANT permission for the retention of the extension and alterations to the existing dwelling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the new vehicular entrance based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the design and layout of the rear extension and the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the retention of the extension complies with the policies and objectives in the Dublin City Development Plan 2022-2028 and would not have a significant negative impact on the residential amenities of the adjoining dwelling or those in the vicinity of the site. The proposed extension is in keeping with the proper planning and sustainable development of the area.

Conditions

1. This element of 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 door located within the extension the subject of this permission shall be removed and replaced with a window of suitable size and the remaining ope shall be made good. Revised plans in this regard shall be submitted for the written agreement of the planning authority within three months of the date of this Order.

Reason: In the interest of orderly development and to restrict the use of the extension in the interest of residential amenity.

3. 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.

4. The developer shall pay to the planning authority a financial contribution of 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.

Reasons and Considerations (2)

The site is in Zone 2, Map J of the Dublin City Development Plan 2022-2028 where the maximum car parking standard for a dwelling is one space. There is currently on-site parking and the proposed additional vehicular access and car parking area would be contrary to the car parking objectives in the development plan and the additional access by reason of the removal of original iron railings, gate and front garden area, and works to the public realm would have a negative impact on the streetscape of the area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Una Crosse

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



Dated this 19th day of June 2023.