



An  
Bord  
Pleanála

**Board Order**  
**ABP-313635-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún-Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0175**

**Appeal** by Peter O'Callaghan care of R.C. Design Services Limited of Design Studio, Old Castle View, Kilgobbin Road, Dublin against the decision made on the 29<sup>th</sup> day of April, 2022 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

**Proposed Development:** Change of use for part of the building from commercial use to residential use. 1. New entrance door on the south facing elevation on the ground floor level, to access the existing commercial unit, with a revised floor area of 72.46 square metres. 2. First floor two-bedroom residential unit (76 square metres) over the ground floor commercial unit with access through the existing entrance on the south facing elevation. 3. One bedroom two-storey unit (66 square metres) with new entrance on the south facing elevation, and associated alterations, to include alterations to window openings to the front, rear and side elevations, and balcony with 1.8 metre privacy screens to front and rear at first floor level to provide outdoor open space. Internally sundry openings to be blocked up, some new openings incorporated and sundry partitions to be modified. New cladding to east facing side elevation to be in timber and plaster render finish, at 2 Killiney View, Glenageary, County 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, in particular Policy Objective PHP19 and living over the shop provisions and having regard to the zoning objective for the area, to the design, layout and small scale of the 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, and would not adversely or materially impact on the character of the building or streetscape. 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, 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. This permission is for one one-bedroom apartment and one two-bedroom apartment only.

**Reasons:** In the interest of clarity.

3. The proposed development shall be amended as follows:
  - (a) the timber cladding on the eastern elevation shall be replaced with a rendered and painted finish in keeping with the existing building, and
  - (b) the high level windows at ground level on the eastern elevation shall comprise standard glazing in place of the proposed opaque glazing.

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.

4. The rear balcony elements shall comprise a 1.8 metre high obscured sand blasted glazed screen to front and side boundaries and the front balcony shall comprise a 1.8 metre high obscured sand blasted glazed screen to the eastern side. These glazed elements shall be permanently maintained in place.

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

5. A plan containing details for the management of waste, including the provision of facilities for the storage and collection of waste shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity.

6. 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. 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.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. 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.

  
  
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**Mick Long**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**  
  
Dated this *28* day of *September* 2023