

An  
Bord  
Pleanála

Board Order  
ABP-314134-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3897/22**

**Appeal** by Donal Shiels care of BPS Planning and Development Consultants of Ballinatone, Greenan, Wicklow against the decision made on the 29<sup>th</sup> day of June, 2022 by Dublin City Council to grant subject to conditions a permission to Marist Trustees care of O'Dwyer and Associates Architects of 8 Townyard House, Townyard Lane, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Extension and alterations comprising (a) demolition of porch and garage extension to front, (b) conversion to habitable room of garage, (c) first-floor bedroom extension over garage to side, (d) two-storey extension to rear to provide extended bedroom and living accommodation, and (e) associated site works at 11 Brookville Park, Malahide Road, Artane, Dublin.

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## 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 Dublin City Development Plan 2022-2028 including the 'Z1' zoning objective pertaining to the site which seeks 'to protect, provide and improve residential amenities', the guidance contained in Appendix 18 of the plan, the design, layout and scale of the proposed development, and 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 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.

## 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.

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2. No formal church services or gathering of a congregation shall be accommodated at the dwelling.

**Reason:** To protect existing amenities.

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 and surface water management.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 where prior written approval has been received from the planning authority.

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

5. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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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.

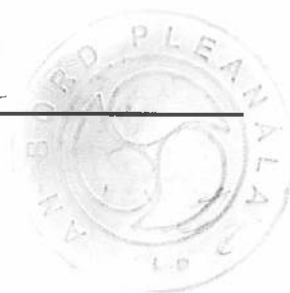
  
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Oonagh Buckley

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 29<sup>th</sup> day of June 2023