

An
Bord
Pleanála

Board Order
ABP-314496-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1561/22

Appeal by Katrina and Elizabeth Kane of 41 Hardebeck Avenue, Walkinstown, Dublin against the decision made on the 8th day of August, 2022 by Dublin City Council to grant subject to conditions a permission to Damien and Gemma Smith care of Draftcad Limited of 32 Glen Easton Way, Leixlip, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Single storey front side and rear extension with flat roof and roof windows, comprising of utility room and storage area. Remove existing roof over existing rear extension and replace with a first-floor rear extension comprising of two bedrooms, one with an en-suite and new roof windows. New roof windows to existing roof, replace existing flat roof over existing garden shed with a new pitched roof and all associated site works, all at 42 Hardebeck Avenue, Walkinstown, 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 pattern of development in the area and to the limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity and 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.



2. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a revised first-floor layout plan which omits bedroom number 2, as proposed, with the space either reconfigured or in its current configuration used as a non-habitable room.

Reason: In the interest of residential amenity.

3. Surface water drainage arrangements, including attenuation, 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 Monday to Friday, inclusive, between the hours of 0800 to 1400 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 residential amenities of property in the vicinity.

5. The apex height of the new pitched roof to the garage structure shall not be greater than 4.8 metres.

Reason: In the interest of the residential amenities of the area.



6. The proposed extension shall be used for purposes incidental to the enjoyment of the dwellinghouse, and shall not be sold, let or otherwise transferred or conveyed, save as part of a single dwellinghouse.

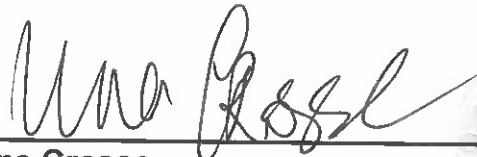
Reason: In the interest of the residential amenities of the area.

7. No part of the proposed development shall intrude into or over-sail adjoining property, except with the express consent of the owners of adjoining property.

Reason: In the interest of residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



Una Crosse

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

Dated this 27th day of June 2023.

