



Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22B/0287

Appeal by Brian O'Malley care of Kevin Tiernan of 19 Aranleigh Gardens, Rathfarnham, Dublin against the decision made on the 16th day of August, 2022, by South Dublin County Council in relation to the application for permission for development comprising attic conversion for storage with two dormer windows to the rear, three Velux windows to the front and raised gable to the side, retention for extra height of timber fence to the front and side, single storey extension to the front, first floor extension to the side and new pergola structure to the rear, at 55 Dodder Park Road, Rathfarnham, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for attic conversion for storage with two dormer windows to the rear, three Velux windows to the front and raised gable to the side, single storey extension to the front, first floor extension to the side and new pergola structure to the rear and to refuse permission for retention for extra height of timber fence to the front and side).

Decision

GRANT permission for attic conversion for storage with two dormer windows to the rear, three Velux windows to the front and raised gable to the side, first floor extension to the side and new pergola structure to the rear 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 retention for extra height of timber fence to the front and side based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, the residential zoning objective for the site, and the South Dublin County Council House Extension Design Guide (2010), the specific characteristics of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The height of the timber fence to the front of the property (south and east) shall have a maximum height of 1.2 metres.

Reason: In the interest of visual and residential amenity.

3. All external finishes shall harmonise in colour or texture with the existing house or its context.

Reason: In the interest of visual amenity.

4. The house and the proposed extension shall be jointly used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

Reason: To prevent unauthorised development.

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the proposed materials to be used for the roof of the pergola.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

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. All development shall be carried out in compliance with Uisce Eireann Standards codes and practices.

Reason: In the interest of public health.

8. During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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.

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 the 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 the Board 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.

Reasons and Considerations (2)

Having regard to the provisions of the South Dublin County Development Plan 2022-2028 and the residential zoning objective for the site, the Board considers that the timber fence to the front of the property (south and east) at a height of 1.9 metres subject to retention would be significantly out of character with the pattern of development in the area, would set an undesirable precedent, and would seriously injure the amenities of the property in the area. The proposed retention would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to retain the timber fence at 1.9 metres height, the Board considered that the existing boundary treatment would create dead frontage and would detract from the existing streetscape character and that of the surrounding area.



Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 30th day of June, 2023.

EJK