

An
Bord
Pleanála

Board Order
ABP-314732-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún-Laoghaire Rathdown County Council

Planning Register Reference Number: D22B/0377

Appeal by David McGarry and Caroline Calloway of 32 Brook Court, Monkstown, County Dublin against the decision made on the 5th day of September, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Alan Del Rio care of Ceardean Architects of 9 Dolphin's Barn, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to existing bungalow, to include an attic conversion with rising roof apex from 4.9 metres to 6.3 metres, conversion and extension of existing garage to habitable space, amendments to all elevations with associated site works at 31 Brook Court, Monkstown, 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.

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Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, to the pattern of development in the area, and to the nature, form, scale, design and layout 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 or visual amenities of the area. 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 the 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 location and size of the rooflights shall be as per drawing number 2_200 which is titled: "Proposed Site/Block & Roof Plan".

Reason: In the interest of clarity.

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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.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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.

5. The construction of the 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 development, including noise management measures, dust management measures, protection of the trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste through to management of traffic arising from construction works, deliveries and removal of waste.

Reason: In the interests of public safety and residential amenity.

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6. All necessary measures shall be taken by the developer to avoid conflict between construction traffic/activities and all other road users, particularly pedestrians and other vulnerable road users on Brook Court, during construction works.

Reason: In the interest of public safety.

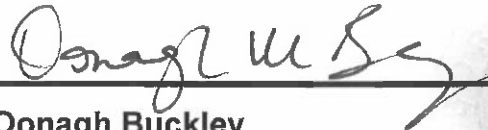
7. All necessary measures shall be taken by the developer to prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of public safety.

8. 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.

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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.



Oonagh Buckley

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *27th* day of *June* 2023