

An
Bord
Pleanála

Board Order
ABP-314840-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1683/22

Appeal by Aoibheann Treacy care of Newmark Architects of 11 Newmarket, Merchant's Quay, Dublin against the decision made on the 16th day of September, 2022 by Dublin City Council to refuse permission for development comprising the construction of a new part single storey, part two-storey, extension to rear of house, new attic dormers to front and rear, new porch entrance to front, amendments to existing front window openings and retention of previously widened vehicular entrance to front, all at 17 Chelmsford Lane, Ranelagh, Dublin.

Decision

GRANT permission for the construction of a new part single storey, part two-storey, extension to rear of house, and new attic dormers to front and rear based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for new porch entrance to front, amendments to existing front window openings and retention of previously widened vehicular entrance to front based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development, and the pattern of development in the vicinity, 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, and would not lead to the creation of a traffic hazard or obstruction of road users. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 13th day of October, 2022, 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, and agree in writing with, the planning authority revised drawings showing the following:

(a) The proposed ground and first floor rear extension reduced in depth so as not to exceed 3.5 metres from the existing rear building line.

(b) The proposed rear dormer reduced to a maximum width of 3.25 metres.

Reason: In order to protect the visual and residential amenities of neighbouring properties.

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.

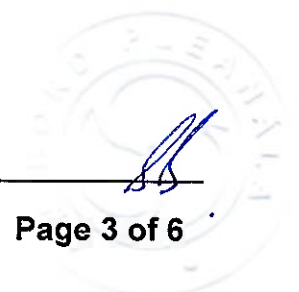
Reason: In the interest of public health and surface water management.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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 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.



6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

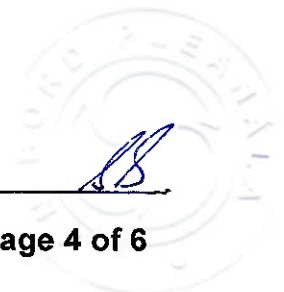
Reason: To protect the amenities of the area.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the rear garden area without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

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.



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)

1. The widening of the vehicular entrance proposed to be retained is considered to be excessive and would be contrary to the overall aims and objectives of the Dublin City Development Plan 2022-2028 and Appendix 5, Section 4.3 (Parking in Front Gardens). The development proposed to be retained would also set an undesirable precedent for similar sites throughout the City and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the Z2 land use zoning objective of the Dublin City Development Plan 2022-2028 and the location and scale of the proposed development, it is considered that the proposed porch and fenestration modifications to the front elevation, the positioning of the porch forward of the established building line, resulting in an adverse impact on the in-curtilage parking area, would negatively impact the character of the area, would endanger public safety by reason of traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation in regard to (2) above, the Board considered that the proposed porch and fenestration modifications to the front elevation, the positioning of the porch forward of the established building line, and the excessive widening of the vehicular entrance would not integrate well with the existing properties and other properties in the area, would adversely impact on the in-curtilage parking area and would endanger public safety by reason of traffic hazard.



Stephen Bohan

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

Dated this *28* day of *November* 2023.