

An
Bord
Pleanála

Board Order
ABP-314907-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4084/22

Appeal by Mary Roebuck and Brian Power, 16 Coulson Avenue, Rathgar, Dublin against the decision made on the 3rd day of October, 2022 by Dublin City Council to grant, subject to conditions, a permission to Shelley Horan and Lorcan Staines care of Ambacht Limited, Fumbally Exchange, Malpas Street, Argus House, Blackpitts, Dublin in accordance with plans and particulars lodged with the said council.

Proposed Development: (a) Removal of circa 18.9 square metres garage at the rear garden with access off the laneway to the rear; (b) Removal of circa 6.0 square metres of garden sheds at the rear garden; (c) Construction of circa 20.6 square metres free standing, single storey, pitched roof, garden room at the rear garden; (d) Replacement of gate fronting onto laneway to rear; (e) And all associated site works at 13 Brighton Road, (Protected Structure), 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.

Reasons and Considerations

Having regard to the residential zoning objective, the pattern of development in the area and the Dublin City Council policy framework as set out in the Dublin City Development Plan 2022-2028 for; detached habitable rooms (Appendix 18, Section 2); development standards in conservation areas (per chapter 15) and Policy Objective BHA2 in the matter of protected structures, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and 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, as amended by the further plans and particulars submitted on the 6th day of September 2022 to the planning authority 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 development shall be carried out and completed in accordance with the agreed particulars.



Reason: In the interest of clarity.

2. The existing dwelling and proposed extension (Garden Room) shall be jointly occupied as a single residential unit and the Garden Room pavilion shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

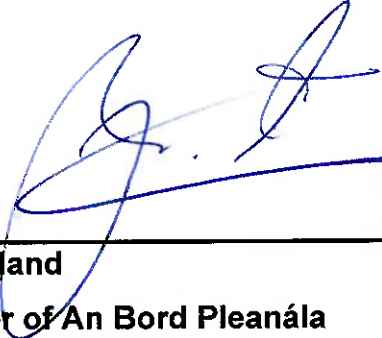
4. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

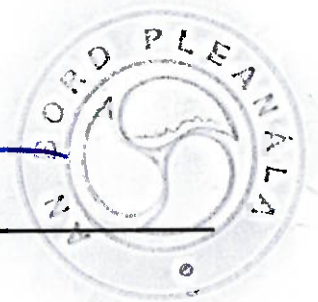


5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



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



Dated this *14TH* day of *November*. 2023.