

An
Bord
Pleanála

Board Order
ABP-315109-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0691

Appeal by Rachel McCann care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin, and (John Conway care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin) against the decision made on the 8th day of November, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Rachel McCann Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention and completion of residential works in the course of construction on the site comprising of a first floor extension over entire of existing single storey bungalow, the retention of a single storey extension on either side of this dwelling and all associated site works, without having to comply with condition number two of planning authority register reference number D20B/0340 which authorised an earlier version of this overall proposal but which had required the omission of the single storey addition located to the west of the main house (that is, between the cottage itself and Dundrum Road), and all associated site works on site at Sommerville Lodge, Dundrum Road, Dundrum, Dublin.

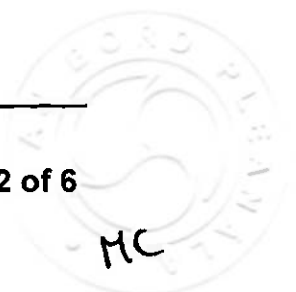
Decision

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

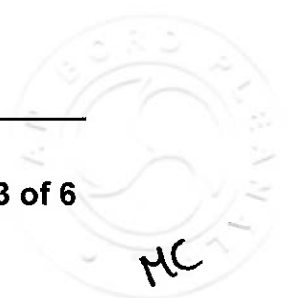
Having regard to the Objective A zoning of the subject site, and the policies and objectives as set out in the Dún Laoghaire-Rathdown County Development plan 2022-2028, it is considered that the development proposed to be retained and completed would not detract from the amenities of the area and would be consistent with the provisions of the development plan. The development proposed to be retained and completed would, therefore, subject to the conditions set out below, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission the Board considered, regarding the Inspector's recommended reasons number 1 and 2, that infrastructure requirements, in relation to road proposals as provided for under the Dundrum Local Area Plan 2023 informed by the Dundrum area based transport assessment, were not definitively specified. The Board also took into account, as indicated in section 7.3.18 of the Inspector's report, that an extension to the west side of the dwelling previously existed. The Board considered that the west extension proposed to be retained was acceptable. The Board therefore considered that condition 2 of the planning authority decision should be omitted.



Regarding reason number 3, the Board did not agree with the Inspector that the development for which retention permission is sought has not been accurately presented to the extent that an appropriately informed decision can be made. Whereas the Inspector was of the view that the development sought would facilitate the consolidation of unauthorised works on site, the Board noted that the planning authority had, notwithstanding the inclusion of condition 2, granted permission for the development proposed to be retained and completed, and the Board took the view that the concerns of the Inspector with regard to any clarification in respect of plans presented could be addressed by condition.

The Board did not accept the Inspector's recommendation that the porthole window in the first-floor level facing northwards should be non-openable and fitted with obscure glazing. The Board agreed with the view of the planning authority in relation to this north facing window at first floor level that, since it relates to the landing area and also since there are no directly opposing windows at first floor level and given the position of Sommerville Lodge with respect to adjoining residential properties, no undue overlooking is anticipated. The Board therefore considered that it was not necessary to fit this port-hole window with opaque glazing. The Board agreed with the Inspector that Condition number 3 of planning authority register reference number D20B/0340 would be required in the interest of clarity and to mitigate the overlooking concern in respect of the window at first floor level of the east facade.



Conditions

1. The development in its entirety shall be retained in accordance with the plans, 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. This permission relates solely to the development outlined in the plans and particulars submitted and as recorded in the statutory notices and does not extend to a vehicular access to the site.

Reason: In the interest of clarity.

3. The development shall comply with the conditions of the parent permission, planning authority register reference number D20B/0340, with the exception of condition 2, unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. The east facing window at first floor level shall be glazed with obscure or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: To prevent overlooking of adjoining residential property.

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

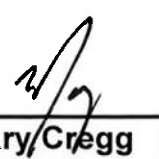
Reason: In the interests of public safety and residential amenity.

9. The developer is required to implement all of the recommendations pertaining to tree protection as outlined within the tree report and accompanying drawings in accordance with condition 8 of planning authority reference D20B/ 0340. Any hedging removed during construction shall be re-instated before the completion of development.

Reason: In the interests of orderly development and visual amenity.

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 within three months of the date of this order 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.


Mary Cregg

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



Dated this 2nd day of February 2024.