

An
Bord
Pleanála

**Board Order
ABP-315146-22**

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 4796/22

Appeal by Seosaimhin Ni Chadhain and David Harding care of H2B Architects of Kildalkey, Moyview, County Meath against the decision made on the 1st day of November, 2022 by Dublin City Council in relation to an application for amendments to planning register reference number 3609/22, single storey porch extension to front of house, also bay window to front of house to increase lounge space, new proposals having separate roofs, and all associated site works at 48 Philipsburgh Terrace, Marino, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for single storey porch extension to front of house and to refuse permission for bay window to front of house to increase lounge space).

Decision

GRANT permission for single storey porch extension to front of house 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 bay window to front of house to increase lounge space based on the reasons and considerations marked (2) under.

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Reasons and Considerations (1)

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective of the area, and its design, layout and scale would not seriously injure the residential or visual amenity of the area or detract from the pattern of development in 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 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. Surface water drainage arrangements for the proposed development shall be in accordance with the conditions attached to planning register reference number 3609/22, and shall otherwise comply with the requirements of the planning authority.

Reason: In the interest of public health.

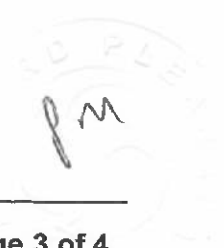
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3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to ensure that the adjoining streets are kept clear of soil, debris and other material, noise management measures and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0700 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.



Reasons and Considerations (2)

It is considered that the bay window, if permitted, would give rise to an undesirable precedent that cumulatively has the potential to give rise to further erosion of the special character and visual qualities of this planned residential streetscape scene that forms part of the larger Marino residential conservation area. Furthermore, it is considered that the bay window would be a type of development which would be contrary to Section 11.5.3; Policy BHA9; Policy BHA10; and Section 1.1 and 1.7 of Volume 2 Appendix 18 of the Dublin City Development Plan, 2022-2028 in this regard. This element of the proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.



Peter Mullan

Member of An Bord Pleanála

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



Dated this 3rd day of April, 2023