

An
Bord
Pleanála

Board Order
ABP-315786-23

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0892

Appeal by Brian Brangan and K. Fionnuala Cleary care of Peadar Nolan Architect of 2 Glandore, Pilot View, Dalkey, County Dublin against the decision made on the 20th day of January, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Brian Conroy care of Aughey O'Flaherty Architects of West Lane, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The removal of a two-storey extension to the back of the house and single storey extensions and sheds to the side of the house and replacement with a new two-storey and single storey extension to the back. Modifications to the existing dwelling include the formation of new window openings, new door openings, new dormer windows, new roof with increased ridge height, refurbishment of existing windows, general repairs and refurbishment, ancillary works and drainage works to facilitate the development at Wilmont Lodge, Wilmont Avenue, Sandycove, 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.

Reasons and Considerations

Having regard to the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the residential zoning objective of the subject site, to the pattern of development in the area and to the nature and scale 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 visual or residential amenities of the area (including by virtue of overlooking of adjoining properties) or the amenities of property in the vicinity, and would constitute an acceptable form of development at this established residential site. 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. 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.

3. The following shall be strictly adhered to in the subject proposal:
- (a) The glazing within the proposed first floor/attic area, east (front) facing 'bathroom' dormer window shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.
 - (b) A screen shall be provided on the south facing side (towards the boundary with number 3 Willmont Avenue) of the first floor Master Bedroom balcony, and shall be glazed with manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. The screen shall extend the full height of the balcony.
 - (c) The flat roof of the proposed single storey extension comprising of garage and study, located at the north of the site, shall not be used as a roof terrace/amenity area. There shall be no access to the proposed flat roof area, unless for maintenance purposes only.

Reason: In the interests of residential amenities and the proper planning and sustainable development of the area.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

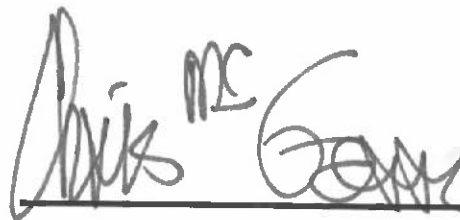
Reason: In the interest of traffic safety.

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

6. The developer shall pay to the planning authority a financial contribution of 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.



Chris McGarry

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



Dated this 13th day of June 2023.