



An
Bord
Pleanála

Board Order
ABP-316082-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D22A/1015.

Appeal by Bryan Molloy care of O'Mahony Pike Architects Limited of The Chapel, Mount Saint Annes, Milltown, Dublin against the decision made on the 22nd day of February, 2023 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Amendments to existing permission register reference D18A/0480 (under construction) to include: (1) reduction of permitted floor heights of 350 millimetres at ground floor and 350 millimetres at first floor, (2) addition of new living room, hallway and wc (35 square metres) at first floor and (3) addition of new 'front door' at first floor with pedestrian access and gate onto Harbour Road and associated elevation changes and siteworks at rear of numbers 3 and 4 Bloyke, Harbour Road, Dalkey, 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 zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, character or built heritage of the area or residential amenity of property in the vicinity. 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. Conditions applied by the Local Authority to the parent permission D18A/0480 not covered in this decision remain applicable.

Reason: In the interest of clarity.

2. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

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. The covered terrace at first floor level shall be omitted and drawings detailing this revision along with details of the external finishes/palette 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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 amenities of property in the vicinity.

6. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme. A pro rata increase reflective of the increased floor plan area shall be agreed with the Local Authority.

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.



Stephen Brophy

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

Dated this 11th day of March 2024.