



An
Bord
Pleanála

Board Order
ABP-316183-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0889

Appeal by Geraldine and James McDonnell care of Hendrik van der Kamp of 1 Woodstown Court, Knocklyon, Dublin against the decision made on the 23rd day of March, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Conor Kavanagh care of David Coffey and Associates of 42 Brookhaven Park, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey flat roof extension to rear of house, with internal alterations to include removal of chimney and fireplaces. Single storey extension to front of existing gable end extension. New hall door and screens to front of existing house, also all associated site works, all at 54 Mountain View Drive, Churchtown, 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 development and the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area.

In relation to potential impact on access to daylight, sunlight and overshadowing, particularly in relation to the first floor windows and rooflights in the appellant's property to the east, the Board, having considered: the appellant's grounds of appeal; the applicant's 'Daylight & Sunlight Assessments' submitted at application stage, and the applicant's supplementary information in relation to access to daylight and sunlight received in response to the grounds of appeal, was satisfied that the impacts came within acceptable levels and meet the recommendations of guidance for such matters. The Board was thus satisfied that the proposed development would not adversely impact on the said neighbouring property by way of diminution of access to daylight, sunlight or by way of overshadowing and, therefore, would not seriously injure the residential amenities of that property. Furthermore, the Board considered that the potential of an overbearing impact on the adjoining property to the east could be appropriately mitigated by way of condition.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 1st day of March, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed rear extension shall be set back a minimum of one metre from the eastern boundary of the site. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority plans, sections and elevations at a scale of not less than 1:100 indicating compliance with this condition.

Reason: To mitigate the potential of an overbearing impact on the adjoining property to the east.

3. The glazing within the west facing window at first floor level to the staircase/landing area 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.

Reason: In the interest of residential amenities.

4. 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.

5. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

7. The developer shall prevent the spillage of mud, dirt or debris on the public road as a result of site construction works and shall repair any damage to the public road arising from the site construction works.

Reason: In the interest of orderly development.

8. 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.

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.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 4th day of August 2023.