



An
Bord
Pleanála

Board Order
ABP-316195-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1013/23

Appeal by Brian Lynch care of Tom Duffy Architects of 5A Collins Park, Dublin against the decision made on the 8th day of March, 2023 by Dublin City Council in relation to the application by Brian Lynch for permission for development comprising two new vehicular accesses to front, new front porch, new window to front, two-storey extension to side and rear and dormer windows attic conversion, new gable wall with three new windows facing north, new two-storey detached house with attic dormer to rear and all associated works at end of terrace house, all at 226 Malahide Road, Dublin in accordance with the plans and particulars lodged with the said (which decision was to grant subject to conditions a permission for two new vehicular accesses to front, new front porch, new window to front, two-storey extension to side and rear and dormer windows attic conversion, new gable wall with three new windows facing north and to refuse permission for new two-storey detached house with attic dormer to rear and all associated works at end of terrace house).

Decision

GRANT permission for two new vehicular accesses to front, new front porch, new window to front, two-storey extension to side and rear and dormer windows attic conversion, new gable wall with three new windows facing north 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 new two-storey detached house with attic dormer to rear and all associated works at end of terrace house based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the pattern and character of existing development in the area, to the design and scale of the proposed development, and to the provisions of the Dublin City Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would not seriously injure the residential amenity of surrounding properties and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development of the extension and associated works 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. 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.

3. 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 residential amenities of property in the vicinity.

4. The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters. Specifically, one vehicular entrance only, with a maximum width of 3 metres, shall be provided for the existing dwelling.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, sustainable transport and traffic safety.

5. 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 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.

Reasons and Considerations (2)

The proposed development of the additional dwelling would be contrary to Section 15.13.4 (backland development) of the Dublin City Development Plan 2022-2028 in that the development would have unsatisfactory access arrangements and the form of the development would provide an unsatisfactory level of amenity for the occupants with an over reliance on obscure glazing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the development would have unsatisfactory access arrangements and provide an unsatisfactory level of amenity for the occupants with an over reliance on obscure glazing.



Mick Long

Member of An Bord Pleanála

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

Dated this 11 day of *September* 2023.