



An
Bord
Pleanála

Board Order
ABP-316953-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22B/0523

Appeal by Conor Fennell of 10 Marine Avenue, Sandycove, County Dublin and by others against the decision made on the 26th day of April, 2023 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Ciaran and Marion McKittrick care of Hughey O'Flaherty Architects of West Lane, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of alterations and extension of the existing single storey dwelling (123 square metres) to create a two-storey dwelling (231 square metres overall), including the removal of the existing roof and rear elevation, the addition of a single storey extension to the rear (32 square metres), the addition to a new first floor level (110 square metres) with associated windows to the front and rear elevations, the provision of solar panels to the rear roof and associated ancillary works to facilitate the development including general repairs and refurbishment, site development works, drainage and landscaping, all at 3 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the zoning objective "A" for the site, which seeks to provide for residential development and protect and improve residential amenity, and to the nature, form, scale and design 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, or the amenities of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would not, by reason of overlooking, lead to loss of privacy in neighbouring properties. 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 as amended by the plans and particulars submitted to the planning authority on the 31st 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 the 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. All external finishes shall harmonise in material, colour and texture with the existing dwelling on site unless otherwise indicated on plans submitted.

Reason: In the interest of visual amenity.

3. Only works indicated for demolition on the plans lodged with the application shall be removed.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The glazing within the proposed first floor, east (front) 'Ensuite' 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.

Reason: In the interest of residential amenities.

5. The rear extension flat roof (including Sedum roof), and front canopy roofs, shall not be used as an amenity area/roof terrace, and shall be accessed only for maintenance purposes.

Reason: In the interests of residential amenities.

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

Reason: In the interest of traffic safety.

7. 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.

8. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. 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. The application of any indexation required by this condition 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.

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.



Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *12th* day of *January*, 2024