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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D23A/0210**

**Appeal** by Brendan J and Suzanne Nangle care of Hendrik W van der Kamp of 1 Woodstown Court, Knocklyon, Dublin and by Dalkey Community Council care of Mount Salus House, Mount Salus, Dalkey, County Dublin against the decision made on the 23<sup>rd</sup> day of May, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Timo and Ruth Barry care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) Retention of alterations to the development approved under register reference D20A/0300 (An Bord Pleanála reference number PL06D.308729). The alterations to be retained are as follows: (i) increase in ground floor area from 238 square metres to 273 square metres, (ii) increase in first floor area from 138 square metres to 170 square metres, (iii) decrease in attic level area from 55 square metres to 45 square metres, (iv) changes to the internal layout of all floors, (v) changes to the fenestration on front and rear elevations, (vi) provision of 196 square metres non-accessible void at basement level, (vii) revised steps and planting terraces at the front of the house, (viii) increase in height of chimney stack by 220

millimetres, (ix) increase in height of roof-line from 9.15 metres to 9.156 metres, (x) addition of 1.8 metres deep canopy roof on rear elevation, (xi) addition of 1.8 metres metal louvres in metal frames to east and west elevations of external front terraces and (xii) addition of retractable awning on rear elevation, (b) permission for alterations to the development approved under register reference D20A/0300 (An Bord Pleanála reference number PL06D.308729). The alterations being sought are as follows: (i) provision of 196 square metres basement, in place of the existing void and (ii) revised location of pedestrian gated entrance on west boundary, all at The Flags, Dalkey Avenue, 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 relating to the site and the nature and extent of the development proposed for retention, it is considered that the proposal, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, traffic safety and amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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. All relevant conditions attached to previous grant of permission for development at the site, planning authority reference D20A/0300 (An Bord Pleanála reference ABP-308729-20) shall be strictly adhered to.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

3. The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

4. The roof of the playroom, utility, and pantry area shall not be used as a balcony, roof terrace, or similar.

**Reason:** In the interest of residential amenity.

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.

  
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**Stephen Bohan**

**Member of An Bord Pleanála**

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

Dated this 7<sup>th</sup> day of May 2024.