

An  
Bord  
Pleanála

**Board Order**  
**ABP-317363-23**

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## **Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D23B/0157**

**Appeal** by Geraldine and Brian Maginess of 95 Marley Court, Rathfarnham, Dublin against the decision made on the 24<sup>th</sup> day of May, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Brian Stenson and Mary Sheridan care of AA Architecture of 4 Carrigmore Close, Aylesbury, Tallaght, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Ground floor rear extension with flat roof over and two number rooflights over. Ground floor front door ope widened, first floor rear window relocated and resized. First floor side extension with double pitched and hipped roof with one number rooflight in valley over. Proposed ground floor and first floor internal alterations, all at 94 Marley Court, Rathfarnham, 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 Zone A zoning objective relating to the site, and the nature and extent 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 amenities of the area or of property in the vicinity, would generally be acceptable in terms of design and pedestrian and traffic safety, and 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, 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 roof of the ground floor extension hereby approved shall not be used as a terrace, balcony or other amenity area. Access to this space shall be for maintenance purposes only.

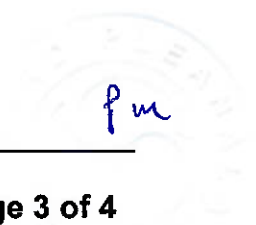
**Reason:** In the interest of residential amenity.

3. 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.

4. 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 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.



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.

A circular seal of An Bord Pleanála is visible in the background, partially obscured by a handwritten signature in blue ink. The signature appears to read 'Peter Mullan'. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center.

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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *15<sup>th</sup>* day of *March*, 2024.