



An
Bord
Pleanála

Board Order ABP-317563-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0280

Appeal by Fergus Dolan and Éilís Fitzgerald care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 16th day of June, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ian and Lisa Marconi care of Aoife Grogan of Courtney McDonnell Studio, First Floor, 10 Duke Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing front porch and single storey extension to rear. Removal of existing hipped roof on main house. Construction of pitched roof on main house with slate tiles. Construction of single storey extension to front with lean-to slate roof. Construction of double storey extension to front with bay windows and hipped roof to tie in with main roof. Construction of single storey extension to rear with flat roof and two number roof lights. Construction of first floor extension to rear. Conversion of existing attic with one number dormer window to rear, one number roof light to rear roof façade, one number roof light and solar panels to front roof façade. Conversion of existing garage to habitable space. Construction of new side passage roof. Widen existing vehicular access to include for new vehicular and pedestrian gate and internal modifications and all ancillary works at 5 Churchtown Road Upper, Dublin.

P.C.

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 Dun Laoghaire-Rathdown County Development Plan 2022-2028, the zoning objective 'A-residential' to 'provide residential development and improve residential amenity while protecting the existing residential amenities', the pattern of development in the area, and the scale, form 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 existing residential and visual amenities of the area 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 design of the proposed development shall be amended as follows:
- (a) The scale of the proposed dormer shall be reduced to six metres in width and located a minimum of one metre from the boundary with adjoining residential development.
 - (b) The proposed side passage shall have a height of maximum three metres.
 - (c) The circular window to the front and rear at first floor level shall be replaced with a rectangular window design.
 - (d) The arched/curved profile of the three rear glass doors shall be replaced with straight profile design.

Revised drawings to reflect these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to respect the character and design of the existing house and houses in the vicinity.

3. 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, or as otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.



4. The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters.

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

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

6. 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 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.

7. 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *06* day of *March* 2024.

