



An  
Bord  
Pleanála

**Board Order**  
**ABP-317605-23**

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D23A/0322**

**Appeal** by Eucemia O'Leary, Mary O'Leary and Brian MacManus care of Eucemia O'Leary of 168a Lower Kilmacud Road, Dublin against the decision made on the 30<sup>th</sup> day of June, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Pauline Power care of Simon Whelan of 39 Leeson Street Lower, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Modifications to previously approved application (planning register reference number D20A/0471) to include the omission of basement level in its entirety, including external courtyard and stairs, extending previously approved ground floor footprint to south boundary with pitched roof over, an increase of height of previously approved ridge/eaves to roof, the construction of new dormer window to roof to front (east) elevation, omission of chimney to north, general modifications to internal layouts, proposed rooflights and elevational treatment, all at rear of 1 Woodley Park (a corner site at the junction of Woodley Park and Sweetbriar Lane), Kilmacud, 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 existing permission on the site, the design and scale of the proposed development, the pattern and character of development in the area, and the provisions of the Dun Laoghaire-Rathdown County 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 provide an acceptable standard of residential amenity for the prospective residents and would not seriously injure the residential amenity of surrounding properties. The proposed development 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 terms and conditions of the parent permission granted for the development under planning register reference number D20A/0471/ABP-308255-20 shall be complied with, unless they are modified by the terms and conditions of this permission.

**Reason:** In the interest of clarity.

3. The proposed development shall be amended as follows:

- (a) The roof light window on the northern roof slope serving the first-floor bathroom shall be positioned at a minimum height of 1.5 metres above floor level so as to avoid overlooking.
- (b) Plans and elevations showing first-floor roof light windows serving bedroom 1 and bathroom shall be submitted for the written agreement of the planning authority.

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

**Reason:** In order to clarify the permission and in the interest of visual and residential amenity.

4. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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 the 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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**Stewart Logan**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board**

Dated this *4* day of *December* 2023.