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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D23B/0214**

**Appeal** by Fergal and Leigh Doherty care of SCA Planning and Development Consultants of 17A Bridgecourt Office Park, Walkinstown Avenue, Dublin against the decision made on the 3<sup>rd</sup> day of July, 2023 by Dún Laoghaire-Rathdown County Council to refuse permission for development comprising retention of development in relation to permitted Register Reference D21B/0038 which consists of a single storey extension to the front and rear of existing residential dwelling. Retention application consists of the permitted front extension, a reduced ground floor level to the rear to allow for a two-storey rear extension, revised internal layout and associated site works at 6 Seafield Court, Killiney, County Dublin in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for retention of the single storey extension to the front in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**  
**REFUSE permission for retention of a reduced ground floor level to the rear to allow for two-storey rear extension based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the zoning 'A' of the site to provide for residential development while protecting existing residential amenities, the existing site layout and orientation, and the design and layout of the single storey extension to the front proposed to be retained, it is considered that the development to be retained would not detract from the amenities of the area.

### Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. 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 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.

3. 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. 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.

## Reasons and Considerations (2)

Having regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the zoning 'A' of the site to provide for residential development while protecting existing residential amenities, the existing site layout and orientation, and the design and layout of the extension to the rear proposed to be retained, it is considered that the development proposed to be retained would be overbearing and would result in overlooking of the adjoining property to the north. It is considered that the proposed development to be retained would unduly impact upon adjoining residential amenities and would be contrary to the provisions of Section 12.3.7.1 Extensions to Dwellings in the Dún Laoghaire-Rathdown County Development Plan 2022 2028. The development proposed to be retained would set a poor precedent for future development in the area and would seriously injure the amenities of property in the vicinity. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the extended roof profile and scale of development together with the low roof height of the first floor and proposed Velux windows in the roof would appear overbearing, dominant in appearance and contribute to overlooking.



**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *22<sup>nd</sup>* day of *March* 2024