



An
Bord
Pleanála

Board Order ABP-318307-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4254/23

Appeal by Eoin Mac Aodha care of Delahunty and Harley Architects of 11A Sydney Terrace, Blackrock, County Dublin against the decision made on the 27th day of September, 2023, by Dublin City Council in relation to an application for permission as per public notice (which decision was to grant, subject to conditions, permission for the construction of a ground floor single-storey flat roof rear extension and to refuse permission for a first-floor single-storey pitched roof infill extension of the rear-return over the existing ground floor, adjoining the boundary with number 23 Curzon Street).

Decision

GRANT permission for the construction of a ground floor single-storey flat roof rear extension 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 a first-floor single-storey pitched roof infill extension of the rear-return over the existing ground floor, adjoining the boundary with number 23 Curzon Street based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the conservation area zoning objective and the policy framework of the Dublin City Development Plan 2022-2028, it is considered that this element of the proposed development, subject to compliance with the conditions set out below, would provide a reasonable improvement of the accommodation on site, would not have a significant adverse impact on the residential and visual amenities of adjacent properties, including number 23 Curzon Street, would be consistent with Appendix 18 Section 1.2 (rear extensions) and would substantially comply with Section 1.4 (privacy and amenity) of the Dublin City Development Plan 2022-2028, would not detract from the conservation area designation as the proposal would on balance respect and protect the character of the surrounding area. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the conservation area.

Conditions

1. This element of 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 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.

6. 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 the 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 Board 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)

The proposed development at first floor level would be overbearing given its proximity to the adjacent property, would detract from the residential amenity of the adjoining property and would not be consistent with Appendix 18 Section 1.2 (rear extensions) and would not comply with Section 1.4 (privacy and amenity) of the Dublin City Development Plan 2022-2028 and would, therefore, not be in accordance with the proper planning and sustainable development of the conservation area.

In deciding not to accept the Inspector's recommendation to grant the first-floor extension, the Board was not satisfied the proposed development would not seriously injure the residential amenity of 23 Curzon Street if the setback from the boundary was no longer in place at first floor level.



Mick Long

Member of An Bord Pleanála

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

Dated this 1st day of July 2024