



An
Bord
Pleanála

Board Order
ABP-318854-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1916/23

Appeal by Isobel O'Flanagan care of BPS Planning and Development Consultants of PO Box 13658, Dublin against the decision made on the 13th day of December, 2023 by Dublin City Council in relation to an application for permission for extensions to the existing dwelling including: (1) new porch at ground floor; (2) new wall and window to bedroom 2 at first floor level adding 1.9 square metres; (3) internal layout revisions for bike storage and home office; (4) a new 46.4 square metres, second floor comprising two number bedrooms, external walls finished in painted render and zinc, with east facing terrace, six number new opes (sited approximately as per first floor opes) (5) four number rooflights; (6) water tank and solar panel array at roof level behind screens; and (7) all associated site works within a site of 0.0258 hectares at 167B Strand Road, Sandymount, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission subject to conditions for new porch at ground floor and new wall and window to bed 2 at first floor level adding 1.9 square metres of floor area and to refuse permission for a new 46 square metre second floor comprising two number bedrooms, external walls finished in painted render and zinc, with east facing terrace, six number new opes (sited approximately as per first floor opes), four number rooflights, water tank and solar panel array at roof level behind screens).

Decision

GRANT permission for new porch at ground floor, and for new wall and window to bed 2 at first floor level adding 1.9 square metres, and all associated site works 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 new 46.4 square metre second floor comprising two number bedrooms, external walls finished in painted render and zinc, with east facing terrace, six number new opes (sited approximately as per first floor opes), four number rooflights; and water tank and solar panel array at roof level behind screens; based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

It is considered that, subject to compliance with the conditions set out below, the proposed porch, new wall and window to first floor bedroom, and associated site works with the porch, would be acceptable in terms of scale and would not seriously injure the visual amenities of the area. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the 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.

2. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, plans and particulars which indicate the details of design, materials and finishes of the porch. Associated site works shall be limited to the permitted porch and wall only.

Reason: In the interest of clarity and to ensure a design coherence.

3. Drainage arrangements, including the 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 amenities of property in the vicinity.

In deciding not to accept the Inspectors recommendation to refuse the new wall and window to the first-floor bedroom, the Board considered that it was acceptable from a perspective of overlooking and overbearing and would not seriously injure the residential amenity of the neighbouring property. The Board adopted the approach of the planning authority and the Inspector in not making a determination regarding the proposed internal configuration, given that there were not sufficient details, and such works are normally exempt, and considered that necessary site works would be included in the grant of permission for that portion of development hereby permitted.

Reasons and Considerations (2)

The subject site is located in the Z2 zoning objective, Residential Neighbourhoods (Conservation Areas), in the Dublin City Development Plan 2022-2028 with the objective 'To protect and/or improve the amenities of residential conservation areas'. It is the policy of Dublin City Council in Policy BHA9 to protect the special interest and character of the area. This element of the proposed development is attached to number 167 Strand Road, which is a non-protected, period property considered to positively contribute to the character of the area. Having regard to the proposed height, scale and mass, and the relationship with the adjoining property number 167A Strand Road, it is considered that this element of the proposed development would be overly prominent and visually dominating, resulting in the serious injury of the

character of the residential conservation area. In this regard, this element of the proposed development does not make a positive contribution to the area and is considered to be contrary to the Z2 zoning objective and Policy BHA9 of the development plan. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

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

Dated this 25th day of June 2024.