



An
Bord
Pleanála

Board Order ABP-319131-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0757

Appeal by Celine Clancy and Family of 5 Trimleston Road, Booterstown, County Dublin and by Cristover Lopes and Sarah Rose Moran care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 30th day of January, 2024 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Portbarry Limited care of AOCA Engineering Consultants of Unit E6, Centrepont Business Park, Oak Drive, Clondalkin, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Single storey rear extension, construction of a first-floor extension above the existing attached domestic garage, the widening of the existing vehicular access and associated ancillary works, all at 58 Trimleston Gardens, Booterstown, 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 residential zoning objective, the inner suburban location of the proposed development proximate to frequent public transport, the pattern of residential extensions in the immediate area, and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, inter alia, for rear and side extensions of an existing dwelling house, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with Section 12.3.7.1 (ii) (Extensions to the Rear) and Section 12.3.7.1 (iii) (Extensions to the Side) of the development plan. 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 window opening in the north elevation shall be omitted and the void shall be replaced with a render finish to match the overall material finish of the north elevation. Revised drawings showing compliance with this requirement shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

5. 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.

6. No part of the proposed development shall overhang or encroach onto any neighbouring properties.

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

7. The developer shall adhere to the recommendations of the Transportation Planning Section of the planning authority.

Reason: In the interest of road safety and in the interest of orderly development.

8. 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 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.

9. 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 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.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 24TH day of September 2024.