

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23B/0577

Appeal by Daire and Georgina O'Rourke of 106 Seafield Court, Killiney, County Dublin and by Shane and Laura Holden of 104 Seafield Court, Killiney, County Dublin against the decision made on the 15th day of February, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Cheryl Curran care of Gavin Design and Build of Shankill Business Centre, Station Road, Shankill, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 28 square metres of first floor extension built over the existing ground floor extension, including alterations to the rear elevation roof to accommodate the new extension and three number velux rooflights, along with all associated site works and drainage alterations at 105 Seafield Court, Killiney, 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 zoning objective relating to the site as set out in the Dún Laoghaire-Rathdown Development Plan 2022-2028 which seeks 'to provide for residential development and improve residential amenity while protecting the existing residential amenities', it is considered that the proposed development, subject to compliance with the conditions set out below, is of an appropriate size and scale and would not adversely impact on adjoining residential amenities to a material extent particularly in relation of overshadowing, overlooking or being overbearing in nature. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 for the written agreement of the planning authority revised drawings where the rear elevation of the first-floor extension shall be set back one metre so as not to overhang ground floor level and shall align with the existing rear building line of the ground floor.

Reason: In the interest of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Site development and building works shall be carried out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

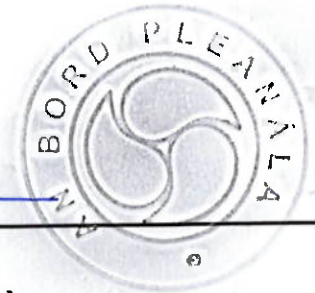
5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 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.



Paul Caprani

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



Dated this 15th day of October 2024.