



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23B/0446

Appeal by Geraldine Neilan of 44 Westbrook Road, Dundrum, Dublin against the decision made on the 15th day of April, 2024 by Dún Laoghaire-Rathdown County Council to grant permission to Maurice and Christine Kirwan care of Infinite Focus Consulting Engineers of 10 Father McWey Street, Edenderry, County Offaly for development comprising retention of a single storey rear extension and conversion of a garage located to the side of the dwelling into habitable accommodation and all associated works, all at 42 Westbrook Road, Dundrum, Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of conversion of the garage located to the side of the dwelling into habitable accommodation 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 the single storey rear extension based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature, scale and design of the converted area proposed to be retained, to the 'Objective A' zoning of the site, as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the specific characteristics of the site and surrounding residential area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. Within a period of three months of the date of this Order, the applicant shall submit to the planning authority for its records, revised and fully dimensioned floor plans, elevations and sections accurately representing the converted garage at the front of the dwelling, as it has been built.

Reason: In order that an accurate record of the as built development is provided to the planning authority and in the interest of clarity.

2. The converted garage shall form part of the existing dwelling, which shall not be sub-divided or used as two or more separate habitable dwellings.

Reason: To prevent unauthorised development.

Reasons and Considerations (2)

On the basis of the information submitted with the planning application and the appeal, with particular regard to:

- (a) the absence of a structural report from a suitably qualified engineer in accordance with Section 12.3.7.1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, to determine that the integrity of the boundary wall and foundations and confirm that they are capable of supporting the extension, as built, or of the potential impacts of the extension on the amenities of the occupants of the house and the adjacent property to the south, as the extension, as constructed, is incapable of being finished and made weathertight,
- (b) inaccuracies in the plans, elevations and sections in respect of the position where the external wall of the rear/side extension has been constructed along the southern site boundary, which has been built on top of the shared boundary wall, rather than within the application site, as indicated in the 'Proposed As Built Section E' of Drawing Number A101 received by the planning authority on the 20th day of March 2024, and
- (c) the absence of adequate information confirming that the applicant has sufficient legal interest to carry out the development in that they own the southern boundary wall or have consent of the neighbouring landowner,

the Board is not satisfied that the structural integrity of the rear/side extension or that the applicant had the legal consent to carry out and complete the development as built. A concern that is supported by the unfinished nature of the roof and southern external boundary wall built on top of the shared boundary wall. In such circumstances, it is considered that it would be inappropriate for the Board to consider a grant of permission for the rear/side extension proposed to be retained in such circumstances.



Declan Moore

Member of An Bord Pleanála

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



Dated this 8th day of October 2024