

An
Bord
Pleanála

Board Order
ABP-320017-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24B/0158/WEB

Appeal by Kevin Farnan of L'Ermitage, 1 Anglesey Park, Killiney Road, Dalkey, County Dublin and by Liam Murray of Crofton, 52 Killiney Road, Dalkey, County Dublin against the decision made on the 31st day of May, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to David and Karen Whelan care of Douglas Wallace Architects of 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Addition of a master bedroom suite on top of the existing two-storey flat roof structure at 3 Killiney Road, Dalkey, 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 nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site, as set out in the Dún Laoghaire-Rathdown County Development Plan 2022–2028, would not seriously injure the visual or residential amenity of the area, and 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. The 'green roof' area of the proposed development hereby permitted shall not be used as a terrace/balcony area. Access shall be used solely for maintenance purposes only.

Reason: In the interest of residential amenity.

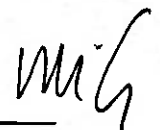


3. The proposed side-facing bedroom window, on the northern elevation of the proposed master bedroom suite, shall be omitted. Revised details showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent direct overlooking of adjacent residential property in the interest of residential amenity.

4. The site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 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.

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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.



Liam McGree

Member of An Bord Pleanála

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

Dated this *23* day of *OCTOBER* 2024