



Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D24A/0294

Appeal by Stephen Hayes and others of 7 Cruagh Close, Stepside, Dublin against the decision made on the 22nd day of August 2024 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Bayan Jamil care of Granville Design Service of 55 Granville Road, Dún Laoghaire, County Dublin

Proposed Development: Retention permission for a single and two-storey extension to the rear and relocation of the existing entrance door at the side. Planning permission sought for conversion of the attic space to non-habitable area with a dormer type flat roof to the rear, building up the gable wall to half hip roof level and all associated site works to the existing dwelling house, at 1 Cruagh Close, Stepside, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse retention permission for the single and two storey extension, and to refuse permission for the conversion of the attic space with a dormer type flat roof, the Board considered that the impacts on the adjoining dwelling were within acceptable limits in this established suburban area and do not adversely impact on the residential amenities of the adjoining dwelling, or any other property in the area. The Board agreed with the planning authority's assessment of the applicant's 'Shadow Daylight/Sunlight Report' and the overshadowing arising did not warrant refusal in this instance. The Board was also satisfied that there is adequate private open space remaining on the application site and did not consider that the extension resulted in overdevelopment of the site. The stepping back of the extension at first floor level mitigates appropriately the potential of excessive overbearance on the adjoining dwelling. The Board did not consider that the visual impacts arising from the extension and proposed attic conversion were such that they warranted a refusal of permission.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29th day of July 2024, 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. Water supply and drainage arrangements, including the attenuation and 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 and surface water management.

3. Site development and building works shall be carried out between the hours of 0700 to 1800 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 agreement has been received from the planning authority.

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

4. 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.



Tom Rabbette

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

Dated this 13th day of Jan 2025.

