

An
Bord
Pleanála

Board Order
ABP-321648-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Register Reference Number: D24A/0844/WEB

Appeal by Conor Halpenny and Niamh Caffrey care of Kiaran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 9th day of December, 2024 by Dún Laoghaire-Rathdown County Council to grant permission, subject to conditions, to John McHugh and Derval Mercer care of Ryan Kennihan of 30 Mountjoy Square, Dublin in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing single-storey side extension and the construction of a new single-storey extension to the side and rear of the existing two and a half storey detached house, new front and rear dormer windows to the attic roof, a new side and rear escape stairs, the widening of the existing entrance to Ardeevin Road, and the addition of a rear boundary timber fence and all ancillary hard and soft landscaping at Ard na Gréine, Ardeevin 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 provisions of the Dún Laoghaire-Rathdown Development Plan 2022-28, including Section 12.3.7.1 (Extensions to Dwellings) and Section 12.4.8 (Vehicular Entrances and Hardstanding Areas), the character of the area, the scale and nature of the domestic development, and the inner suburban context, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area and would and would be acceptable in terms of traffic safety and convenience. 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. The proposed development shall be modified as follows:
- (a) The proposed external access deck/balcony to the rear of the house shall be omitted from the proposed development. The external fire escape door shall be omitted and replaced with an appropriate window type with opaque glazing.
 - (b) The proposed raised front boundary wall shall be omitted from the proposed development. The front boundary with widened entrance (max 3.5 metres) shall be as per the existing height, with a low boundary wall and hedging.
 - (c) The proposed dormer window on the front elevation shall be omitted from the proposed development.

Reason: In the interest of complying with the regulations regarding public notices, and in the interest of visual amenity.

3. The width of the proposed widened vehicular entrance shall be no more than 3.5 metres in accordance with Section 12.4.8.1 General Specifications of the current Dún Laoghaire-Rathdown County Development Plan 2022-2028. Any proposed gates shall be inward opening only and shall be manually operated.

Reason: In the interests of traffic and pedestrian safety, and to comply with development plan standards.

4. The proposed attic area shall be used as either an office and/or as storage and shall not be used as habitable accommodation.

Reason: In the interests of clarity and to ensure a proper standard of development.

5. The external finishes of the proposed extension and alterations shall harmonise with those of the existing dwelling in respect of colour and texture. Details shall be the subject of written agreement with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. The proposed dormer windows shall be finished in timber or aluclad, to match the colour of the dormer box and existing roof. Any proposed replacement windows shall match the existing on a one-for-one basis. The remaining material finishes of the development shall be as per the submitted plans and particulars, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 and 1400 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.

8. All necessary measures shall be taken by the developer to:
- (a) prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties as a result of the site construction works,
 - (b) repair any damage to the public road arising from carrying out the works, and
 - (c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: To protect the amenities of the area and in the interest of road safety.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

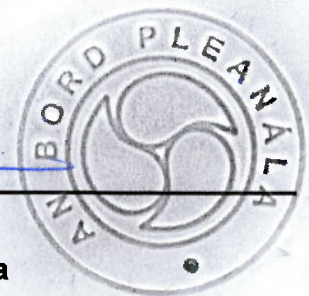
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 10th day of April 2025.