

An
Bord
Pleanála

Board Order
ABP-322046-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Register Reference Number: D24A/0996/WEB

Appeal by Brian and Martina Rowe care of Armstrong Planning of 12 Clarinda Park North, Dun Laoghaire, County Dublin against the decision made on the 11th day of February, 2025 by Dún Laoghaire-Rathdown County Council to grant permission, subject to conditions, to Gillian Sherrard care of Sherrard Design of Iona and 7 Newtownsmith, Sandycove, County Dublin for the proposed development.

Proposed Development: Permission for a one storey garden room to the rear garden of the dwelling and a two-storey extension to the rear of the dwelling. Conversion of the dwelling into two family homes namely a two-bedroom house and a three-bedroom house at Iona, 7 Newtownsmith, Sandycove, 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 and design of the proposed development and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, in particular the zoning objective, Policy Objective PHP18 on residential density, Policy Objective PHP19 on existing housing stock adaptation, Sections 12.3.7.1 and 12.3.7.2 relating to subdivision of existing dwellings and Sections 12.3.7.4 relating to Detached Habitable Rooms, it is considered that, subject to compliance with the conditions set out below, the proposed development of additional residential capacity on an existing property would not impact on adjoining structures or on the amenities of adjoining properties, 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 proposed bedroom and bathroom in the garden room building shall be omitted and replaced with non-habitable accommodation. The proposed garden room shall only be used for the incidental enjoyment of the house as such, not for human habitation, and shall not be subdivided, sold, let, conveyed or otherwise used as a separate dwelling unit or for non-residential purposes.

Reason: In the interest of residential amenity and to prevent unauthorised development.

3. A boundary treatment and landscaping scheme between the two proposed houses shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

4. The attenuation and disposal of surface water from the two individual sites, 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 two individual sites for the written agreement of the planning authority.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall submit arrangements and details for the written agreement of the planning authority:

- (a) for all foul sewage and soiled water for each individual property to be discharged to the public foul sewer; and
- (b) for only clean, uncontaminated storm water to be discharged to the surface water drainage system or soakpits.

Reason: In the interest of public health.

6. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

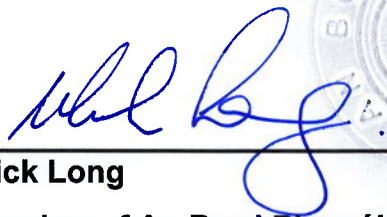
Reason: To protect the residential amenities of properties in the vicinity.

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Bank Holidays. Deviations 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. 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.



Mick Long

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

Dated this 10th day of June 2025.