

An
Coimisiún
Pleanála

Commission Order
ABP-322246-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25B/0046/WEB.

Appeal by Paul Moran and Marta Zelazowska care of Peter Brennan of Hayfield House, Knocklyon Road, Templeogue, Dublin against the decision made on the 25th day of March, 2025 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of an attic conversion to habitable status with the provision of a new mansard roof, a rear single-storey extension, and all ancillary works necessary to facilitate the development at 39 Wilson Road, Mount Merrion, 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 Section 12.3.7.1(iv) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (Alterations at Roof/Attic Level) which seeks to assess proposed roof alterations/expansions to main roof profiles, by reference to the character and size of the structure, its position on the streetscape and proximity to adjacent structures, existing roof variations on the streetscape, and the harmony of the proposed development with the rest of the structure, and having regard to the pattern of development in the area, in particular the variation in the nature and design of existing roof modifications in the locality, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate well with the receiving environment, would not be out of character with the surrounding structures, would not give rise to overlooking, and would not negatively impact on the visual amenity of the area, or 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 permission, the Commission noted the simplicity of the design proposed to replace the existing hipped roof with a mansard style roof. The Commission determined that, while the proposal would introduce a new roof profile in this location, it is a profile which would resonate with the established pattern of the area, insofar as above ground floor level, the building structure would "pitch" inwards towards a top height which would not exceed that within the area. The Commission considered that the modest design would provide an appropriate upgrade of accommodation, and that it would be legible as a form of development, compatible with existing properties in this locality, would harmonise with the adjacent structures, and would be appropriate on the streetscape.

With regard to the proposed single-storey, flat-parapet type rear extension of circa 3.5 metres in height when measured externally, and circa 2.7 metres when measured internally, the Commission agreed with the planning authority that, due to its site orientation, this extension would not result in any overlooking, overshadowing or overbearing on neighbouring amenity space adjoining the subject dwelling.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by the planning authority on the 30th day of January 2025, 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. Details of the materials, colours, and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The attenuation and 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: In the interest of public health.

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, and details of the off-site disposal of construction/demolition waste.

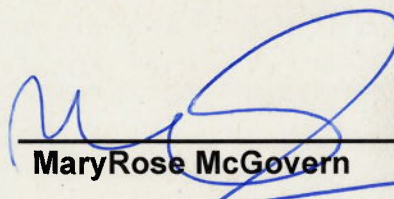
Reason: In the interest of public safety and amenity.

5. Site development and building works shall be carried out only 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 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 amenities of property in the vicinity.

6. 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 Coimisiún 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.



MaryRose McGovern

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 25th day of July 2025.