

An
Coimisiún
Pleanála

Commission Order
ABP-322290-25

Planning and Development Acts 2000 to 2025

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0091/WEB

Appeal by Tivoli Road Residents care of Raglan of 16A Tivoli Road, Dun Laoghaire, County Dublin against the decision made on the 31st day of march 2025 by Dún Laoghaire Rathdown County Council to grant, subject to conditions, a permission to Niamh Ryan, care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Application for an amendment permission to the permitted development granted under planning authority Register Reference D21A/1135. The development will principally consist of: the omission of the basement level (circa 97.6 square metres) and garden at same level (circa 25.7 square metres); increase in area to the rear ground floor garden from circa 42.2 square metres to circa 52 square metres and the addition of a winter garden (circa 16 square metres); decrease in area to the balcony at second floor level facing west, from circa 8.3 square metres to circa 4.5 square metres; two number new balconies at first floor level, one facing east (circa 18 square metres) and one facing south (circa 3.5 square metres); and a new balcony at second floor level facing east (circa 4.5 square metres). The

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development will result in a reduction of the total gross floor area from circa 408 square metres to circa 294 square metres. The development will also consist of: general internal layout and elevational changes; landscaping; and all other associated site works above and below ground, all at a circa 0.034 hectare site at York House, No. 30 York Road, Dun Laoghaire, 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 the residential zoning objective, the permitted development on the site, and the massing, scale, and form of the proposed amended development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference D21A/1135 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The obscure glazed balustrade along the northern elevation of the first-floor east-facing terrace shall be increased to a minimum height of 1.8 metres above finished floor level.

Reason: In the interest of safeguarding neighbouring residential amenity and prevent overlooking.

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.

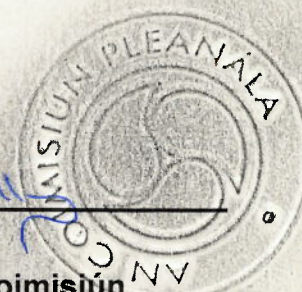
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *1st* day of *August*, 2025.