

# Comhairle Chontae Atha Cliath Theas

**PR/0293/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21B/0559      **Application Date:** 02-Nov-2021  
**Submission Type:** Additional Information      **Registration Date:** 04-Feb-2022

**Correspondence Name and Address:** PFR Architectural Services Ltd. 8, Marlborough Park, Glenageary, Co. Dublin

**Proposed Development:** 2 storey extension to rear of existing dwelling with kitchen and living area on ground floor; 2 bedrooms, en-suite bathroom and family bathroom on first floor.

**Location:** 44, College Park, Dublin 6w

**Applicant Name:** John & Amy Cannon

**Application Type:** Permission

### **Description of Site and Surroundings**

#### Site Area

Stated as 0.35 Hectares.

#### Site Description

The application site consists of a two storey, dormer style semi-detached house that is located in College Park in Terenure, an established residential area.

The existing dwelling on the subject site has previously been extended by means of a single storey rear extension and front and rear dormer windows. The area is predominantly residential in nature, with a prevalence of dwellings of a similar size and scale.

#### Site visited

23<sup>rd</sup> November 2021.

### **Proposal**

Permission is sought for the following:

- A two-storey rear extension to the rear of the existing dwelling which projects approximately 5m out from the rear elevation, with a height of 7m and a width of 7.5m. The extension will result in an additional 47.23sq.m gross floor area and an enlarged kitchen/living/dining area at ground floor level and 2 bedrooms (one of which is ensuite) and a separate bathroom at first floor level.
- The removal of an existing single storey rear extension and rear dormer window to facilitate the proposed development.

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- The proposed development includes elevational amendments comprised of a rooflight in the side (north east) elevation, 5.5m wide bifold doors at ground floor level providing access to the rear garden and 2 windows at first floor level of the rear elevation. No amendments are proposed to the front elevation.
- All ancillary works above and below ground.

### **Zoning**

The site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity' in the South Dublin County Development Plan 2016-2022.

### **SEA Sensitivity Screening**

No overlap indicated with SEA layers.

### **Consultations**

Drainage and Water Services: No objection, subject to conditions.

Irish Water: No objection, subject to conditions.

### **Submissions/Observations /Representations**

Submission expiry date: 6<sup>th</sup> December 2021.

One submission was received, the content of which can be summarised as follows:

- The current application is substantially similar to that which was refused permission under SD21B/0122.
- Proposed development will be overbearing and visually oppressive.
- Significant potential for loss of daylight amenity for adjacent properties.

The concerns raised in the submission shall be addressed in the Assessment section of this Report.

### **Relevant Planning History**

#### **Subject Site**

#### **SD21B/0122**

A 2 storey extension to the rear comprised of a Kitchen & living area extension on the ground floor, two bedrooms (one en-suite) and a separate shower room on the first floor. The proposed extension has a Gross Floor Area of 167sq m. **SDCC Decision: Permission Refused.** The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála (ABP Ref. 310341-21). **ABP Decision: Refuse Permission.**

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### **SD16B/0268**

Create an enlarged bedroom 2, with new window to the front facing elevation. **Permission Granted.**

### Neighbouring Sites

**SD21B/0274** – No. 42 College Park, Terenure, Dublin 6W

Two storey extension to rear of existing dwelling; interior modifications and construction of new front porch; associated site works. **Permission Granted.**

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

### **South Dublin County Council House Extension Design Guide (2010)**

The House Extension Design Guide contains the following guidance on house extensions, including for porches and front extensions:

#### **Elements of Good Extension Design:**

- *Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible.*

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### **Rear extensions:**

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat-roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*
- *Do not create a higher ridge level than the roof of the main house.*

### **Relevant Government Guidelines**

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council policy
- Previous Reasons for Refusal
- Residential and visual amenity
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Council Policy**

The site is located in an area which is subject to zoning objective 'RES' – '*To protect and/or improve Residential Amenity*'. The development of an extension or alteration to a dwelling is permitted in principle subject to its design being in accordance with the relevant provisions in the

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Development Plan with specific reference to Section 11.3.3 which relates to Extensions to Dwellings.

### **Previous Reasons for Refusal**

As noted in the Planning History Section of this Report, permission was previously refused for a 2 storey extension to the rear of the existing dwelling (SD21B/0122). The Planning Authority cited the following reasons for refusal:

- *'The proposed two storey rear extension, by reason of its excessive depth and height would result in a visually obtrusive, overly dominant and incongruous structure in the context of the site and surrounding area. In addition to this, the excessive depth and height of the proposed extension, located directly on a shared neighbouring boundary and adjacent to rear private amenity space and habitable room windows, would result in an overbearing feature, loss of light and overshadowing to the detriment of the amenity of neighbouring residents. The proposed development would seriously injure the amenities of property in the vicinity and would be contrary to the RES zoning objective which seeks to protect and/or improve Residential Amenity, policy H18 of the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.*
- *The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area'.*

The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála (ABP Ref. 310341-21). The Board ultimately decided to uphold the decision of the Planning Authority and Refuse Permission for the proposed development, citing the following reasons:

*'The Board considered that by reason of height and depth of the proposed extension on the party boundary with number 42 College Park, and its proximity to number 46 College Park, the proposed development would give rise to excessive overshadowing and overbearance relative to those adjoining properties. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area'.*

The extension previously refused permission under SD21B/0122 was located directly on the boundary with No. 42 College Park and extend outwards by a depth of 5.4m at both ground and first floor levels from the rear elevation, with a width of 7.7m, a maximum height of 7m and a resultant additional gross floor area of 167.34sq m.

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The proposed extension of this Planning Application projects approximately 5m out from the rear elevation, with a height of 7m and a width of 7.5m. The extension will result in an additional 47.23sq.m gross floor area.

Although the gross floor area of the proposed extension has been significantly reduced, it is noted that at ground floor level the depth has only been reduced by 0.4m and the width has been reduced by 0.2m. The most significant changes to the proposal previously refused under SD21B/0122 is at first floor level where the depth of the extension has reduced from 5.4m to 3.2m. It is noted that the maximum overall height of the proposal remains the same (7m).

The Planning Authority considers that, despite the reduction in the scale of the proposed extension, there remains potential to adversely impact the amenity of No. 46 College Park. As such the Planning Authority considers that the proposed development of this Planning Application does not successfully address the reasons for refusal of SD21B/0122/ABP Ref. 310341-21. A re-design, reducing the height and width of the proposed extension at first floor level, is required to reduce the potential for adverse impact to adjacent properties. The Planning Authority is satisfied this can be achieved by way of ADDITIONAL INFORMATION.

### **Residential and Visual Amenity**

The application proposes a two-storey rear extension that would replace an existing single storey rear extension and rear dormer window. The proposed extension would extend outwards from the ridgeline of the roof and then beyond the original rear elevation of the house by approximately 5m at ground floor level and 3.2m at first floor level.

With regard to residential amenity, the extension would be appropriately set back from the boundary with No. 46 College Park, however the extension would directly adjoin the party boundary with No.42. As the proposed extension would be constructed directly on the shared boundary, extend outwards by a depth of 5.4m at ground and 3.3m at first floor levels from the rear elevation of the neighbouring property and have a maximum height of 7m. The structure would be located directly beside private amenity space and habitable room windows of No. 42 College Park.

The SDCC House Extension Design Guide sets out a number of key points to address in terms of the design of rear extensions. Most notably these concern the potential for an overbearing impact, the loss of daylight and overshadowing. The guide states that extensions should be located, particularly if higher than one storey, away from neighbouring boundaries and that as a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved. The proposal would fail to meet this guidance and there are concerns that due to the excessive depth and height proposed directly on the boundary that there would be a detrimental impact on the amenity of the neighbouring residents.

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Concerns also arise regarding the visual dominance of the proposed extension to the rear of the property and would be visible from the surrounding area, in particular from College Crescent, when approaching from the north-east. A reduction in the proposed height of the extension to below the ridge line of the existing dwelling may reduce the potential visual dominance of the proposal.

It is noted that a first-floor dormer style extension was granted permission in No.42 and that there is a two-storey rear extension to the west of the application site in No.46, although there does not appear to be any record of planning permission for this structure. Whilst the surrounding receiving context may be evolving, this does not permit the Applicant to adversely impact on the amenity of surrounding properties. It is considered that the Planning Authority's concerns regarding the impact on residential and visual amenity would warrant a reduction in the height and width of the proposed extension at first floor level. This can be achieved by way of ADDITIONAL INFORMATION.

### **Services, Drainage and the Environment**

Water Services and Irish Water have assessed the proposal and have no objections, subject to conditions.

### **Screening for Appropriate Assessment**

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Conclusion**

The proposed 2 storey rear extensions of the existing residential dwelling is considered to be acceptable in principle. However, although the proposed development will not significantly alter the character of the surrounding streetscape, concerns do arise in relation to the potential adverse impact on adjacent properties. In particular, a concern arises that the proposed development may result in overbearing, overlooking and overshadowing to No. 42 College Park. The Planning Authority considers that these concerns can be addressed by way of ADDITIONAL INFORMATION, in the form of a re-design of the proposed extension at first floor level, reducing the height and width.

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### **Recommendation**

I recommend that ADDITIONAL INFORMATION be requested from the applicant with regard to the following:

1. The Planning Authority considers that the excessive depth and height of the proposed extension, located directly on a shared neighbouring boundary and adjacent to rear private amenity space and habitable room windows, has the potential to result in overbearance, loss of light and overshadowing to adjacent properties. The Applicant is therefore requested to re-design the proposed extension, reducing the height and width having regard to the South Dublin House Extension Design Guide (2010) which states that extensions higher than one storey should be located away from neighbouring boundaries and that as a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved. The applicant is requested to submit revised floor plans, elevations, sections and contiguous elevations of the revised design.

### **Additional Information**

Additional Information was requested on 16<sup>th</sup> December 2021.

Additional Information was received on 4<sup>th</sup> February 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

### **Submissions/Observations**

No submissions / observations received.

### **Assessment**

The following Additional Information was received from the Applicant on 4<sup>th</sup> February 2022:

- Cover Letter prepared by PFR Architectural Services Limited dated 3<sup>rd</sup> February 2022.
- Drawing No. 21/07/AI/101 – Proposed Plans and Elevations
- Drawing No. 21/07/AI/102 – Proposed Section and Elevation

The Additional Information provided by the Applicant will be assessed below in the context of the Additional Information item requested by the Planning Authority on 16<sup>th</sup> December 2021:



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### Additional Information Item No. 1

In response to Additional Information Item No.1 the Applicant has provided a Cover Letter and accompanying amended floor plan, elevational and sectional drawings. It is noted that the following design amendments have been applied to the proposed development:

### Ground Floor Extension

As noted in the Applicant's Cover Letter and demonstrated in the accompanying drawings, the following amendments have been applied to the proposed Ground Floor Extension:

*'Bearing in mind the comments raised in the Chief Executive's Report we have reduced the depth of the Ground Floor Extension to 3.25m, beyond the existing rear wall of No. 42 College Park. This is approx. 2.10m deeper than (sic) the existing extension to the rear of our client's residence, an extension which it is proposed to demolish.'*

Whilst the Planning Authority welcomes the reduction in the depth of the Ground Floor Extension, it is noted that the structure remains directly adjacent to the party boundary with No. 42 College Park. As noted in Additional Information Item No. 1, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved in accordance with the South Dublin House Extension Design Guide. However, as a result of the amendments to the proposed First Floor Extension, it is noted that the height of the proposed development adjacent to the party boundary is now approximately 2.77m. In this regard, the amended design of the proposed Ground Floor Extension is considered to be in compliance with the House Extension Design Guide (2010). Furthermore, having regard to the north facing aspect of the rear amenity space of the dwellings along College Park it is considered that an additional 2.1m projection beyond the rear building line will not result in a significant loss of overbearance, loss of light and overshadowing to No. 42 College Park.

### First Floor Extension

The Cover Letter and accompanying drawings provided by the Applicant demonstrate the following amendments to the proposed First Floor Extension:

*'Furthermore we have reduced the First Floor projection, adjacent to the boundary with No. 42, to extend no further back than the existing gable at the rear of No. 42. This is for a width of 3.70m, in line with the recommendations of the South Dublin House Extension Design Guide. The overall depth of the First Floor extension has been further reduced to extend only 1.75m past the gable of No. 42.'*

As a result of the reduction in the depth of the First Floor Extension, the proposal now matches the building line with the adjacent property at No. 42 College Park, thus reducing the potential for overbearance, loss of light and overshadowing. This amendment is welcomed by the Planning Authority.

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The Planning Authority is satisfied that Additional Information Item 1 has been satisfactorily addressed and the associated design amendments can be secured by way of CONDITION.

### **Other Consideration**

<b>Development Contributions</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq m)</b>
Residential (Extension)	47.2
Previous Extension	4sq.m
Assessable Area	11.2sq.m

<b>SEA Monitoring Information</b>	
<b>Building Use Type</b>	<b>Floor Area (sq.m)</b>
Residential (Extension)	47.2sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield / Urban Consolidation	0.35 Ha

### **Conclusion**

The Planning Authority welcomes the amendments applied in the Additional Information submitted by the Applicant and considers that, subject to the attached conditions, the proposed development is consistent with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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### SECOND SCHEDULE

#### Conditions and Reasons

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 4th February 2022, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.  
  
(b) Restriction on Use.  
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.  
REASON: To prevent unauthorised development.  
  
(c) Drainage - Irish Water.
  - (i) The water supply and drainage infrastructure, shall comply with the requirements of the Irish Water Standards, Codes and Practices.
  - (ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
  - (iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
  - (iv) All works shall comply with the Building Regulations - Technical Guidance Document Part H - Drainage and Wastewater Disposal.
  - (v) The Applicant shall include water butts as part of SuDs (Sustainable Drainage Systems) features for the proposed development.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage

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provision.

### **(d) Minimise Air Blown Dust.**

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

**REASON:** In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### **(e) Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

**REASON:** In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable

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development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

### **3. Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €1,170.29 (one thousand one hundred and seventy euros and twenty nine cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**NOTE RE: CONDITION -** Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

**NOTE:** The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

**NOTE:** Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply

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via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

NOTE: The applicant is advised that, in order to use the attic conversion / dormer extension as a habitable room, it must comply with the Building Regulations.

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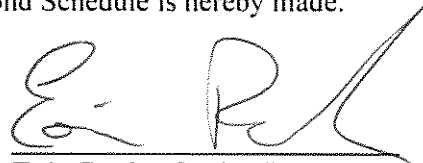
**REG. REF. SD21B/0559  
LOCATION: 44, College Park, Dublin 6w**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 3/3/22

  
**Eoin Burke, Senior Planner**