Our Case Number: ABP-312561-22

Planning Authority Reference Number: SD21B/0570

An Bord Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

LAND USE, PLANNING & TRANSPORTATION DEPT.
20 MAY 2022

Date: 19 MAY 2022

Re: Removal of garage and kitchen, construction of two-storey extension to side and rear, bay window to front, single storey extension to rear with rooflights, dormer window to rear, attic conversion with rooflights, widening of vehicular entrance and associated site works
42, Ballytore Road, Rathfarnham, Dublin 14, D14 FF22

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2021. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Board Direction Attached

V. Kennedy
Violet Kennedy
Executive Officer

BP100N

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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

An Bord Pleanála

Board Order

ABP-312561-22

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21B/0570

Appeal by Ann-Marie Kenny care of Diarmuid Ó Gráda, Planning Consultant of 16 Louvain, Roebuck Road, Dublin against the decision made on the 14th day of January, 2022 by South Dublin County Council to grant subject to conditions a permission to Paul Manley and Sarah Jane Varden care of The Design Lab of 78 Fairfield, Dunshaughlin, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Removal of existing garage and kitchen to side of dwelling, and (b) the construction of a two-storey extension to front and side of existing dwelling, extending existing hipped roof to maintain existing ridge height, (c) new bay window to front under new lean-to roof with minor alterations to fenestration at first-floor level, (d) single-storey extension to rear with rooflights, (e) dormer window to rear roof slope to facilitate attic conversion with additional rooflight to front, (f) widening of existing vehicular entrance to 3.5 metres; all associated site works at 42, Ballytore Road, Rathfarnham, 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 residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, 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 changes proposed to the vehicular access are omitted from the permitted development.

   Reason: To protect existing street trees and the visual amenity of the area.

3. The first floor window on the east facing elevation of the proposed side extension elevation shall be glazed with obscure glass.

   Reason: To prevent overlooking of adjoining residential property.

4. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. The permitted dormer shall be clad in zinc.

   Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 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 residential amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

   Reason: In the interest of public health.

7. 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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 18th **day of** May **2022**

An Bord Pleanála

Board Direction
BD-010657-22
ABP-312561-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/05/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, 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 changes proposed to the vehicular access are omitted from the permitted development.
   Reason: To protect existing street trees and the visual amenity of the area.

3. The first floor window on the east facing elevation of the proposed side extension elevation shall be glazed with obscure glass.
   Reason: To prevent overlooking of adjoining residential property.

4. The external finishes of the proposed extension including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. The permitted dormer shall be clad in zinc.
   Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 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 [residential] amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
   Reason: In the interest of public health.

7. 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.

Board Member Michelle Fagan **Date:** 09/05/2022

Note: The Board considered that the alteration to the access gates would not be acceptable as proposed, having regard to the policies of the South Dublin County Development Plan, and that any alternative proposal should be dealt with by means of a further planning application.