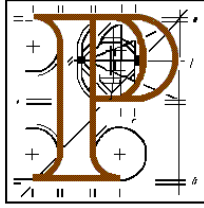


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Dublin City

Planning Register Reference Number: 3234/14

An Bord Pleanála Reference Number: PL 29S.244040

APPEAL by Maurice Murphy and Emily King care of Mesh Architects of 11 Hume Street, Dublin against the decision made on the 6th day of October, 2014 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of demolition of existing three storey modern return and escape stairs, demolition of existing single storey sheds to rear, internal alterations to existing historic dwelling including new roof light over stairs, internal alterations to historic return, new windows to existing door openings in historic return, new single storey extension with roof lights to rear of existing dwelling at 69 Brighton Road, Rathgar, Dublin which is a Protected Structure.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

REASONS AND CONSIDERATIONS

It is considered that condition number 2 is unnecessary in order to adequately safeguard the residential amenities of the adjoining dwelling to the north in terms of the prevention of overshadowing or loss of sunlight or daylight. Furthermore, it is considered that the requirement of the condition would lead to disruption and loss of visual connectivity between the living space at ground floor level to the rear of the main dwelling and the rear garden and is unnecessary in order to secure access to the rear garden of the dwelling. By reason of its design and character, it is considered that the proposed extension will be legible as a modern addition to the Protected Structure and that the works involved could be reversed without any injury to the special character of the original structure.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2015.