



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4720/19

Appeal by Dave and Joyce Murray care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 17th day of February, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a first-floor extension to rear and side over existing return, insertion of two windows (one obscured) at first floor level to existing east (side) elevation and all associated site works, all at 113 Brian Road, Marino, Dublin.

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

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its orientation to the north-east of the adjoining property at Number 115 Brian Road, it is considered that the modifications required by the planning authority in its attachment of condition number 2 are not warranted and that the proposed development, subject to the omission of condition number 2, would have no significant overshadowing or overlooking impact on any neighbouring property and would be acceptable in terms of form and scale. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

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

Dated this day of 2020.