



An  
Bord  
Pleanála

**Board Direction**

**PL06D.247178**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on December 20<sup>th</sup> 2016.

The Board decided to make a split decision, to

(1) refuse permission for the retention of the dormer window on the eastern roof plane of the subject building, for the reasons and considerations and subject to the conditions set out under (1) below,

and

(2) grant permission for the retention of the dormer window on the southern roof plane of the subject building and for the use of the subject building as a games room, for the reasons and considerations set out under (2) below

### **(1) Reasons and Considerations**

Having regard to the location of the dormer window on the eastern roof plane of the subject building and its proximity to, and orientation towards, adjoining residential property, and having regard to the planning history of the overall landholding, it is considered that the retention of this dormer window would seriously injure the residential amenities of nearby property and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **(2) Reasons and Considerations**

Having regard to the pattern of development in the vicinity and the planning history of the overall landholding, it is considered that the dormer window on the southern plane of the subject building would not seriously injure the residential amenities of adjoining property, and that the use of the subject building, subject to compliance with the conditions set out below, would be in accordance with the zoning objective, as set out in the current Development Plan for the area, and would, therefore, not be contrary to the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity.

2. The dormer window in the eastern plane of the roof of the subject building shall be removed, and the roof shall be reinstated fully with roof slates/tiles to match the existing roof finish, within three months of the date of this order. No windows of any kind, including any roof lights, shall be erected or provided on the eastern roof plane of the subject building.

**Reason:** In order to protect the residential amenities of nearby properties.

3. The subject building shall be used solely, as proposed, as a games room or for other purposes incidental to the enjoyment of the nearby dwellinghouse as such. It shall not be used as a separate dwelling/residence/family flat, and shall not be used for the carrying on of any trade or business. It shall not be used for human habitation or residential purposes of any kind, including short and/or long term lettings to third parties.

**Reason:** In the interest of clarity and in order to restrict the use of the subject building in the interest of protecting the residential amenities of adjoining property and to prevent overdevelopment of the overall site.

**Note:** In arriving at its decision, the Board did not accept the proposal to “opaque” the dormer window on the eastern roof plane of the subject building, as put forward by the applicant in this case, and had regard in this context to the planning history of the overall landholding and the submissions made by adjoining residents. The Board accepted, however, that it would be appropriate to limit, by means of a restrictive condition, the use of the subject building, noting that the enforcement of such a condition in the future would be the responsibility of the planning authority.

*[Please issue a copy of this Direction to the parties with the Board Order.]*

Board Member: \_\_\_\_\_  
Philip Jones

Date: 21<sup>st</sup> December 2016