



An
Bord
Pleanála

**Board Direction
PL29S.247414**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 24th 2017.

The Board decided to refuse permission for the following reasons and considerations:

Reasons and Considerations

It is considered, on the basis of the documentation submitted with the application and appeal, that the proposed development, which involves the demolition of part of a Protected Structure, that is, the rear return, has not been adequately justified in conservation terms, and that it has not been established, to the satisfaction of the Board, that exceptional circumstances exist to permit such demolition, having regard to the provisions of Section 57 (10)(b) of the Planning and Development Act 2000, as amended. Furthermore, by reason of its bulk, height and design, and by reason of its location relative to adjoining property, in particular number 42G Palmerston Road, it is considered that the proposed extension would materially affect the character of the protected structure, and would seriously injure the residential amenities of adjoining property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the applicant had adequately shown that the proposed development would not interfere with the character of the protected structure, nor

that the demolition of the original rear return of the subject house had been justified. Furthermore, the Board did not consider that the modifications to the proposed development, recommended by the Inspector, would have been sufficient to ameliorate the impacts of the proposed development on the amenities of adjoining property, and on the protected structure itself.

Note: In coming to its decision, the Board noted that no expert opinion from the Planning Authority's Conservation Officer had been provided in relation to the conservation/protected structure aspects of the proposal, either during the processing of the application by the authority or later in response to the appeals and observations. In relation to the proposed extension, the Board was of opinion that a more significantly modified design than would have resulted from the Inspector's modifications, which was more respectful of the character of the protected structure, and more cognisant of the need not to interfere with the residential amenities of adjoining property, would have been required. In the absence of the conservation justification, it was considered that the imposition of conditions to modify the proposed development would not have been appropriate.

[Please issue a copy of this Direction with the Board Order]

Board Member

Date: 24th February 2017

Philip Jones