



An  
Bord  
Pleanála

**Board Direction  
PL06F.247657**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on April 5<sup>th</sup> 2017.

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

### **Reasons and Considerations**

Having regard to the pattern of development in the vicinity, and to the provisions of the current Development Plan for the area, it is considered that the proposed development, by reason of its two-storied nature to the side of the existing house, and its proximity to the mutual boundary with the adjoining property to the south, would be overbearing and would seriously injure the residential amenities of this property, and would conflict with the provisions of the Development Plan, and in particular with objectives DMS28 and DMS29, which require separation distances between the side walls of houses of at least 2.3 metres, in order to allow for adequate maintenance and access. 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 considered the proposed development would be unacceptable, for the reasons and considerations set out above, and did not share the Inspector's opinion that the issue of compliance with the minimum separation distances set out in the Development Plan had been achieved.

Note: The Board noted the suggested modification, as submitted as part of the appellant's response to an Bord Pleanála on the 27<sup>th</sup> day of January 2017, which may have mitigated the impact of the development on the residential amenities of the adjoining property, and complied with the relevant separation distances set out in the Development Plan, but decided not to pursue this matter further, as it would have represented a material change to the development that was the subject matter of the appeal, and had not been cross-circulated to the parties for comment, and therefore would represent a "new issue".

*[Note:- Please issue a copy of this Direction with the Board Order (and accompany it with a copy of the appellant's submission submitted on 27<sup>th</sup> January 2017) to the applicant and to the planning authority)].*

**Board Member**

**Date:** 5<sup>th</sup> April 2017

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Philip Jones