



An
Bord
Pleanála

**Board Direction
PL29N.247889**

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 11th 2017.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, for the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Remove condition numbers 3(i) and 3(ii) and attach condition number 3(iii).

Reasons and Considerations

Having regard to the pattern of development in the area, where similar side extensions and front porch/extensions have been carried out, it is considered that the imposition of conditions 3(i) and 3(ii) is unjustified and unnecessary to preserve the visual amenities of the area and that the removal of these conditions would not contravene the provisions of the current Development Plan for the area nor create a precedent. Furthermore, it is considered that the imposition of condition 3 (iii) is justified in order to protect the residential amenities of adjoining property, and in the interest of visual amenity.

Note: In deciding to invoke its powers under Section 139, rather than considering the application de novo (as if it had been made to the Board in the first instance), as recommended by the Inspector, the Board considered that the overall development

was acceptable in principle and that the issues in the appeal could be limited to the two parts of condition 3 – condition 3 (i) and 3(ii) - that had been appealed. The Board, in deciding to attach condition 3 (iii), considered that the removal of the parapet walls was justified in the interest of visual amenity and to protect the residential amenities of adjoining property. The Board noted also that the applicants/appellants stated that they did not wish to appeal this particular condition.

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

Board Member:

Date: 11th April 2017

Philip Jones