



An
Bord
Pleanála

Board Direction
PL29S.248442

The submissions on this file and the Inspector's report were considered at a Board meeting held on 9th August 2017.

The Board decided to make a split decision, to

(1) grant permission (subject to conditions) for the extension of the chimney stack

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

(2) refuse permission for a new window on the west-facing elevation at second floor level which was omitted by Condition 2(a) of the Board's previous decision (PL 29S.246860)

for the reasons and considerations marked (2) under.

(1) **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016-2022 to protect, provide and improve residential amenities, the planning history of the development site, and the extent and nature of the proposal to extend the existing chimney stack to above new roof level, it is considered that subject to compliance with the following conditions, the proposed chimney extension would not seriously injure the amenities of the area or of property in the vicinity and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The extension of the chimney shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The development shall comply with all conditions attached under permission PL29S.24680 including condition 2(a). Revised drawings demonstrating how this will be carried out shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity

(2) **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the planning history of the development site, the character of the surrounding area and the residential and visual amenity, the board considered that the proposal to include a new window in the west-facing elevation would seriously injure the amenities of property in the vicinity by way of overlooking and would therefore not be consistent with the provisions of the Dublin City Development Plan 2016-2022 to protect, provide and improve residential amenities. 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 for the new window in the west-facing elevation and to omit the window on the north-facing window required under Condition 2(a) of the Board's previous decision (PL 29S.246860), the Board had particular regard to the planning history of the site including previous observations and the character of the surrounding area including the residential and visual amenity. Notwithstanding the proposal to reduce the level of overlooking on the western elevation by a revised design comprising a dormer window with Louvre Screen, the Board remained concerned about the potential for overlooking of properties to the west and north-west from a window on the western elevation at second floor level.

Board Member:

Date: 9th August 2017

Maria FitzGerald