



An  
Bord  
Pleanála

**Board Direction**  
**BD-006578-20**  
**ABP-307406-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/09/2020.

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

- Retain condition number 1; and
- Remove condition number 5.

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and development proposed for retention, it is considered that the removal of Condition No. 5 would be in accordance with Section 7.8 of the Development Management Guidelines for Planning Authorities (2007) which states that it is inappropriate in development management to attach planning permission conditions which are the subject of more specific controls under other legislation or are directly regulated by other statutes, unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable development and there is good reason to believe that they cannot be dealt with effectively by other means. Condition No. 5 requires that the first floor of the dwelling be used for storage, in the interest of Building Control. It is considered inappropriate, in this instance, to attach a condition relating to matters regulated by the Building Regulations. The proposed development

and development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and, therefore, would be in accordance with the proper planning and sustainable development of the area. The onus is on the First Party to ensure that the development proposed for retention complies with the Building Regulations.

The wording of Condition No. 1 should remain unchanged by reason that the proposed development and development proposed for retention was assessed in accordance with the plans and particulars lodged with the Planning Authority on 02/08/2019 and 16/03/2020.

**Board Member:**

**Date:** 29/09/2020

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Dave Walsh