



An  
Bord  
Pleanála

**Board Direction**  
**BD-007439-21**  
**ABP-307838-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/01/2021.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the 35 m<sup>2</sup> single-storey ground floor extension to the rear of the building, for the reasons and considerations set out hereunder.

and refuse permission

- (2) for retention permission be refused for the roof covering over the smoking area at ground floor facing onto Parnell Place;
- (3) for retention permission be refused for the 2.1 m high wooden boundary fence at 1st floor level separating 155 and 156 Parnell Street;
- (3) for planning permission for the use of the flat roof at 1st floor level to the rear of the building as a terrace of approximately 74 m<sup>2</sup> accessed via an external stairs from the smoking terrace together with all associated landscaping and site works; and,

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations (1)**

Having regard to the city centre location of the site, its established use, and the nature and scale of the development, it is considered that, subject to compliance with

the conditions set out below, the retained single-storey extension would not seriously injure the residential amenities of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary

Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

### **Reasons and Considerations (2)**

Having regard to the proximity of the ground floor level smoking area to existing and permitted residential properties, and the intensification of the use of this space which would arise on foot of its enclosure, the Board is not satisfied based on the evidence submitted with the planning application and appeal, that the retained roof covering, would not seriously injure the residential amenities of properties in the vicinity by reason of noise impacts. The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

### **Reasons and Considerations (3)**

Having regard to the outdoor nature of the 1st floor level terrace and its scale and proximity to residential properties, it is considered that the development for which permission and retention permission is sought, would seriously injure the residential amenities of property in the vicinity by reason of noise and general disturbance and overlooking impacts. The development for which permission and retention

permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 28/01/2021

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Michelle Fagan