



An
Bord
Pleanála

Board Direction
BD-007342-21
ABP-308253-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/01/2021.

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

Remove condition number 3

Reasons and Considerations

It is considered that the removal of condition number 3 would be in accordance with Section 7.8 of the Development Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 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 number 3 requires that the attic conversion be restricted to non-residential only in the interest of compliance with the Building Regulations. It is considered inappropriate, in this instance, to attach a condition relating to matters regulated by the Building Regulations. The proposed development 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 applicant to ensure that the development proposed complies with the Building Regulations.

Amend condition number 2 as follows:

Prior to the commencement of development, the developer shall submit revised elevational drawings, sections and floor plans detailing the following revisions for the written agreement of the Planning Authority:

- a) The width of the side dormer shall not exceed 2.5m and the glazed area shall not exceed 1m x 1m and the window to be permanently fitted with obscured glazing.
- b) The rear dormer shall be reduced in scale such that its external width is no more than 2.1m and its gable elevation shall not exceed a depth of 3m from the roof ridge of the main roof. The proposed window located within the dormer shall be centred.

Reason: In the interest of visual amenity and in the interest of clarity.

Board Member:

Date: 19/01/2021

Terry Ó Niadh