



An  
Bord  
Pleanála

**Board Direction**  
**BD-007436-21**  
**ABP-308464-20**

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 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 / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Amend condition number 3 as follows;

3. The development shall be revised as follows:

- a) The rear 1st floor elevation of the revised 2- bedroom 4-bedspace mews dwelling shall be constituted by either a wall and/or opaque glazing to at least 1.8m above finished floor level for a distance of at least 1.5m back from the boundary with No.73 Collins Avenue East, with the access to the 1st floor outdoor deck relocated as required.
- b) The proposed recessed eastern 5sq.m terrace at first floor level and ground floor recessed area underneath shall be screened/fitted with angled vertical slats/fins that redirect overlooking to the south as much as possible and away from the rear of No.69 Collins Avenue East. In addition, the rear bedroom window located on the eastern elevation, to the inside of the screened area at ground floor level, shall be redesigned to incorporate a larger area of glazing extending southwards.
- c) The proposed eastern-side fin screen on to the existing access laneway shall be fitted with angled vertical slats that redirect overlooking to the south as much as

possible and away from the rear of No.69 Collins Avenue East, or shall be replaced by a 1.8m high screen.

d) The southern 1st floor screen may be fitted with vertical fins for its entirety or as required.

e) No flat roofed area shall be used or accessed as roof garden/patio space or any additional roof plant, from what is depicted, be placed on the roof which projects above parapet-level whether or not they would be exempted developments

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

**Reason:** In the interests of orderly development and visual amenity.

### **Reasons and Considerations**

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed western boundary's first floor terraced area's screen boundary treatment, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not result in significant overshadowing and would not seriously injure the amenities of the adjoining property. The planning authority's Condition 3 part (a) requiring the set back of the screened boundary is, therefore, not warranted.

In addition, it is considered that with adequate angled screening, the proposed recessed terraced area along the eastern elevation will not result in any significant levels of overlooking onto adjoining properties. However, given the set back involved a larger window at ground floor level is required to ensure adequate natural lighting to this rear bedroom. The planning authority's Condition 3 part (c) shall therefore be amended to incorporate these changes.

**Board Member:**

**Date:** 28/01/2021

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Paul Hyde