



An  
Bord  
Pleanála

**Board Direction**  
**BD-007957-21**  
**ABP-308579-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/04/2021.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the scale of the first floor extension, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development for which retention is sought would therefore be in accordance with the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the conditions imposed would sufficiently mitigate the overlooking of adjoining properties, and the limitation of the use would not set an undesirable precedent for similar development in 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 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. Within three months of the date of this order, the following amendments shall be completed;
  - (a) The opening sections of the windows on both sides of the extension at first floor shall be replaced with permanently non-openable fixed sections.
  - (b) The opening section of the window to the rear shall be replaced with a bottom hung inward tilting window section.
  - (c) All windows of the first floor extension shall be permanently glazed with opaque glass.

Details including a timeline for completion of the works shall be agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

3. The room within the first floor extension shall be used for utility purposes only and shall not be used as a bedroom or any type of habitable room.

Reason: In the interest of residential amenity

4. Disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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

**Board Member**



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Michelle Fagan

**Date:** 22/04/2021

