

An  
Bord  
Pleanála

**Board Direction**  
**BD-010656-22**  
**ABP-312663-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/05/2022.

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:

Amend condition no. 3 as follows:

3. *The flat roof on the rear elevation of the dwelling shall not be used as a roof patio/balcony.*

**Reason:** *In the interest of residential amenity.*

and

Remove condition no. 4.

### **Reasons and Considerations**

#### **AMEND Condition no. 3:**

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 enlarged window proposed to be retained does not seriously injure the visual or residential amenities of the area or of properties in the vicinity by reason of overlooking.

The planning authority's Condition 3 (requiring the raising of the cill height of the window to the original cill height of the window prior to its alteration) is, therefore, not warranted.

The restrictions imposed on the use of the flat roof are sufficient to negate against overlooking.

REMOVE Condition no. 4:

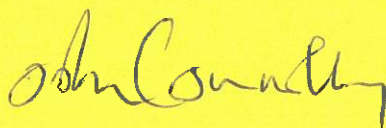
It is considered that the timber fencing along the roadside boundary is outside the scope of the application

**Note:**

In deciding not to accept the Inspector's recommendation to attach condition no. 4, and while the Board noted that it did not agree with the Inspector's assessment and reason for attaching the condition and considered the existing roadside boundary treatment to be acceptable having regard to the existing and established boundary treatment in the area in terms of both height and materials, it also considered this aspect of the overall development to be outside the scope of the application.

*Please include a copy of this Direction with the Board Order.*

**Board Member:**



John Connolly

**Date:** 09/05/2022