

An  
Bord  
Pleanála

**Board Direction**  
**BD-010571-22**  
**ABP-312769-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/04/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the pattern of development in the area, the separation distance between the development and the adjoining residential property to the east, the design, built form and layout of the permitted development on site, including the provision of a ground kitchen window on the eastern elevation, to the modest nature of the amendments, and to the totality of the documentation on file, including correspondence on behalf of the applicant received by The Board on 09/03/22 and on behalf of the appellants received by The Board on 04/04/22, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and would otherwise constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 13th day of November, 2021, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) The proposed new window opening on the ground floor level eastern elevation as shown in Drawing No. 1802: P3\_04 and serving a ground floor level WC shall be permanently fitted with opaque glazing. The proposed enlarged ground-floor level window on the eastern elevation shown in Drawing No. 1802: P3\_04 shall be permanently fitted with opaque glazing.
  - (b) A two metre high fence, six metres in length, centred from the centre point of the proposed ground floor enlarged kitchen window on the eastern elevation, shall be sited on the applicant's side of the eastern site boundary.

Revised drawings showing compliance with these requirements, including detail of the finishes of the boundary fence, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

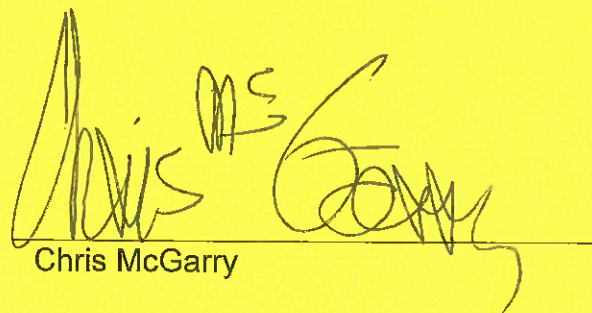


3. In all other respects the proposed development shall adhere to development approved under P.A. Ref. No. 4019/19 and as amended by P.A. Ref. No. WEB 1839/21.

**Reason:** In order to clarify the scope of this permission.

**Note:** the Board noted the recommendation of the Inspector to use obscure glazing for the permitted enlarged kitchen window at ground floor level of the eastern elevation. However, having considered the totality of the documentation on file, including the assessment of Dublin City Council and the detail set out in the appeal including correspondence on behalf of the applicant received by The Board on 09/03/22 and on behalf of the appellants received by The Board on 04/04/22, and having regard also to the planning history of the site which includes an extant permission for a slightly smaller ground floor window at this location, it was considered that the implementation by condition, of a measured fence along the applicant's side of the boundary with the adjoining residence to the east, to a height of two metres (which ordinarily would fall within the scope of exempted development), would constitute an appropriate design resolution at this location to the issue of residential amenity.

**Board Member**



Chris McGarry

**Date:** 26/04/2022

