

**An  
Bord  
Pleanála**

**Board Direction  
BD-014381-23  
ABP-313997-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/10/2023.

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 nature, scale and extent of the proposed development, to the location of the site within a serviced urban location, to the pattern of development in the area and to the relevant provisions of the development plan, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area including the amenities of adjoining property, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable form of residential development at this location. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

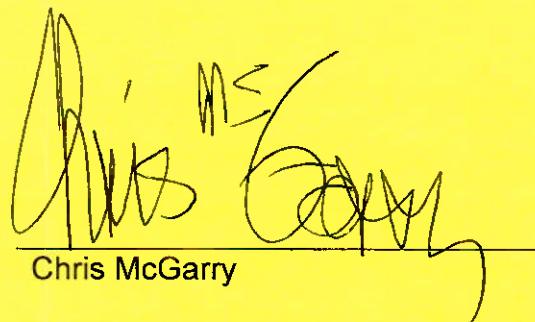
In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on file, including the technical assessments prepared by the applicant and the submissions from the third party appellant on the matter of daylight and sunlight. The Board first off noted and agreed with the Inspector's assessment that the proposed development would be acceptable in terms of, the principle of the use, unit mix and density, overlooking, overbearance, parking, place making and design, and sunlight. With regard to the

concern of the Inspector on the issue of internal daylight to the adjoining residential property, the Board considered that the '*Daylight Analysis and Overshadowing*' report prepared by the applicant, in conjunction with a full analysis of the drawing material submitted with the application, was sufficient to enable the making of a determination on this matter. The Board also noted the commentary of the inspector that, with the exception of the kitchen window, all other windows on the south elevation of the adjoining property either serve non habitable rooms or have a window on another elevation. Furthermore, the Board considered that the modelling in the technical assessment by the applicant overstates the fenestration on this façade and thus can reasonable be considered to represent a worst-case scenario. In overview, the Board concluded that the proposed development would not have an unacceptable adverse impact on the overall amenity of the adjoining property, even though a reduction on daylight would arise to the kitchen area (generally considered a less sensitive room for the purposes of daylight and sunlight impact). In this regard the Board shared the opinion of the planning authority that the proposed development would be in accordance with the proper planning and sustainable development of the area.

## Conditions

ATTACH PLANNING AUTHORITY CONDITIONS.

Board Member



Chris McGarry

Date: 27/10/2023