

An  
Bord  
Pleanála

**Board Direction**  
**BD-015266-24**  
**ABP-315762-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/01/2024.

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:

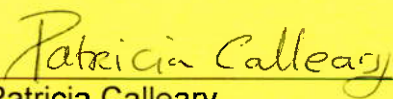
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to OMIT condition number 2(a) and 2(b) for the reasons set out.

### **Reasons and Considerations**

Having regard to the design guidance set out in Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) in the Fingal County Development Plan 2023-2029, that the proposal would not be visible from the public road fronting the development and to the lack of significant overlooking and the presence of an existing extension of the same type and scale on an adjacent house, the omission of condition number 2(a) and 2(b) would not be seriously injurious to residential amenity of the area and the development excluding conditions 2 (including parts a and b) would otherwise be in accordance with proper planning and sustainable development.

In deciding to omit 2(b) from Condition 2 attached by the Planning Authority, requiring the reduction of the dormer extension width to 3.5m, the Board noted that this element of its decision differed from the inspector's recommendation to attach this part of the condition. The Board's reason for differing from the inspector's recommendation was based on its finding that the dormer element as proposed on the submitted drawings would not be visible or prominent from any public view and would not be contrary to the guidance set out in Section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) and would not give rise to any unacceptable visual impact. Accordingly, the Board decided that a reduction of the width of the dormer extension by 500mm to 3.5m overall was not warranted.

**Board Member:**

  
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Patricia Calleary

**Date:** 30/01/2024