



An
Bord
Pleanála

Board Direction
BD-012905-23
ABP-317424-23

The submissions on this file were considered at a Board meeting held on 14/07/2023.

The Board decided to grant leave to appeal based on the reasons and considerations set out below.

Reasons and Considerations

The Board noted Condition 1 of the decision of the planning authority that the development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by further information received on the 4th of May, save as may be required by the other conditions attached.

The Board considered the inclusion of Condition 16 “Amendments” and specifically 16(b) whereby the developer shall submit details concerning the height, design and treatment of the screening to the proposed roof terraces for the written agreement of the planning authority.

The Board is satisfied that the height, design and treatment of the screening of the roof terraces is a material matter in relation to the private open space of adjoining properties and residents’ enjoyment thereof.

It is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of *condition/condition(s) numbered 16(b)* imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of *condition/conditions numbered 16(b)* will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

Board Member: Eamonn James Kelly **Date:** 14/07/2023
Eamonn James Kelly