

An
Bord
Pleanála

Board Direction

BD-016563-24

ABP-318305-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/06/2024.

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, that the planning authority be directed, as follows:

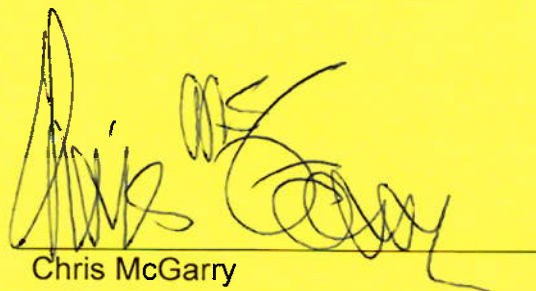
Remove condition number 3

Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, to the relevant provisions of the Dublin City Development Plan 2022-2028, it is considered that the development of the dormer window on the rear facing roof plane and its positioning by reference to the ridgeline of the existing roof structure as set out in the original application documentation, would not seriously injure the amenities of the area, would not be overbearing or overly dominant on the roofscape of the existing dwelling and would otherwise constitute an acceptable form of development at this location. Furthermore, condition 3 (c) is unnecessary as the documentation submitted with the planning application confirms that the external walls of the dormer shall be metal clad and condition no. 1 applies in this instance. The removal of condition no.3 is therefore warranted and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the recommendation of the Inspector to retain condition (a) and (c), the Board considered the totality of the documentation on file, including the third-party observation at planning authority stage and the assessment of the Dublin City Council planning officer. Specifically, the Board completed an assessment of the plans and particulars and determined that no measurable impact from the proposed development of the dormer window would arise in the first instance, either in terms of its effect on the form and appearance of the existing dwelling, nor on the wider environs, such that a reduction in width by 900mm would be warranted by reference to the proper planning and sustainable development of the area. In this regard, the Board determined that the opinion of the inspector, that the fact the proposed development may be a new departure within The Orchard scheme, did not constitute a measurable planning ground, consistent with the principles of proper planning and sustainable development, or founded on any engaged assessment of the plans and particulars submitted with the planning application, for reducing the width of the dormer window. The Board also determined that the metal clad finish to the external walls of the dormer is fully set out in the planning application documentation and forms a permitted element of the scheme by reference to condition no. 1.

Board Member:



Chris McGarry

Date: 12/06/2024