



An
Bord
Pleanála

Board Direction
BD-017676-24
ABP-319682-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/10/2024.

The Board decided to make a split decision, to

- (1) Grant permission, for the following reasons and considerations and subject to the following conditions for the conversion of a garage located to the side of the dwelling into habitable accommodation based on the reasons and considerations marked (1) under and subject to the conditions set out below.

Reasons and Considerations (1)

Having regard to the nature, scale and design of the converted area proposed to be retained, to the 'Objective A' zoning of the site, as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, and to the specific characteristics of the site and surrounding residential area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1 Within a period of 3 months of the grant of permission, the applicant shall submit to the planning authority for its records, revised and fully dimensioned floor plans, elevations and sections accurately representing the converted garage at the front of the dwelling, as it has been built.

Reason: In order that an accurate record of the as built development is provided to the planning authority and in the interest of clarity.

- 2 The converted garage shall form part of the existing dwelling, which shall not be sub-divided or used as two or more separate habitable dwellings.

Reason: To prevent unauthorised development

and

- (2) Refuse permission for retention for the development of a single-storey rear extension based on the reason and considerations marked (2) below.

Reasons and Considerations (2)

On the basis of the information submitted with the application and appeal, with particular regard to:

- 1) the absence of a structural report from a suitably qualified engineer in accordance with Section 12.3.7.1 of the Dun Loaghaire Rathdown Development Plan 2022-2028, to determine that the integrity of the boundary wall and foundations and confirm that they are capable of supporting the extension as built, or of the potential impacts of the extension on the amenities of the occupants of the house and the adjacent property to the south, as the extension as constructed is incapable of being finished and made weathertight;
- 2) inaccuracies in the plans, elevations and sections in respect of the position where the external wall of the rear/side extension has been constructed along the southern site boundary, which has been built on top of the shared boundary wall, rather than within the application site as indicated in the 'Proposed As built Section E';
- 3) the absence of adequate information confirming that the applicant has sufficient legal interest to carry out the development in that they own the southern boundary wall or have consent of the neighbouring landowner;

the Board cannot be satisfied about the structural integrity of the rear/side extension and cannot be satisfied that the applicant had the legal consent to carry out and complete the development as built. A concern that is supported by the unfinished nature of the roof and southern external boundary wall built on top of the shared boundary wall. In such circumstances, it is considered that it would be inappropriate for the board to consider a grant of permission for the rear/side extension proposed to be retained in such circumstances.

Board Member:


Declan Moore

Date: 01/10/2024