

An  
Bord  
Pleanála

**Board Direction**  
**BD-019754-25**  
**ABP-321853-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2025.

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 modest nature of the changes to fenestration for which retention permission is sought, to the residential use of the subject property and to the pattern of development in the area, it is considered subject to compliance with the conditions set out below, that the proposed development for which retention permission is sought would not seriously injure the amenities of the area, including residential property in the vicinity and would constitute an appropriate form of fenestration as part of a dwelling at this location. The development for which retention permission 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 first off agreed in full with the inspector that the changes to fenestration which form the subject of this application, (particularly windows A and D which are the focus of the appellants' concerns) would not result in adverse impact on the residential amenity of the neighbouring residential property. The inspector's recommended reason for refusal is derived from an opinion that it appears other unauthorised development has occurred (the inspector refers to a reduced dwelling footprint with internal reconfiguration). In this context the Board considered that,

even should any such alterations be confirmed as unauthorised (and it is not for the Board to reach a determination on that matter), they would not materially impact on concerns regarding the amenity of adjoining property as set out in the current appeal, nor materially change the totality of the permitted use at this location, namely a single dwelling. In this context, the Board did not share the view of the inspector that the fenestration changes subject of this appeal would consolidate and intensify unauthorised development at the site and determined that the very limited change to fenestration subject of this appeal is appropriate for the permitted use as a dwelling and that a grant of permission is warranted in this instance. In reaching this decision, the Board notes that any matter of potential unauthorised works at the dwelling in the form of a reduced footprint and internal reconfiguration, remains a matter for the planning authority.

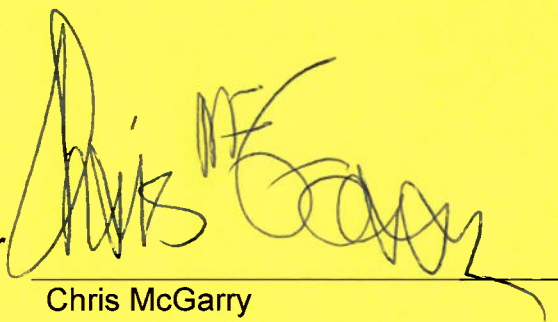
## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> December 2024, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, the alterations for which retention permission is sought, are confined to the alterations as outlined in red (namely four windows) in the plans and particulars received by the planning authority on the 16<sup>th</sup> December 2024. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



**Board Member**



Chris McGarry

**Date:** 23/05/2025