

An  
Bord  
Pleanála

**Board Direction**  
**BD-019776-25**  
**ABP-321860-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2025.

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:

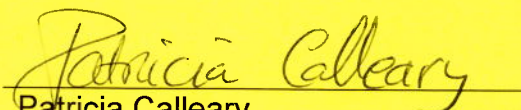
Attach condition number three

### **Reasons and Considerations**

It is considered that the introduction of the proposed external first-floor stair access to the rear of the property introduces a first floor terrace area / landing area with direct access to a living area at first floor level with potential for undue overlooking, noise, nuisance and disturbance for the residential amenity of the future occupants of the neighbouring houses, namely the mews house granted under PL29S.312797 (3920/21) and 2730/21. Condition 3(a) is therefore considered appropriate in the interest of protecting adjoining residential amenities. Windows of a similar size and style of that previously approved are considered reasonable by the Board, where stairs access would be omitted (as a result of the attachment of Condition 3(a)), in the interest of protecting residential amenity of future neighbouring occupants and accordingly, the Board decided to also attach Condition 3(b) as attached by the planning authority.

In disagreeing with the inspector to amend Condition 3(a) and omit Condition 3(b), the Board noted the inspector's recommended mitigation to provide a privacy screen 2 metres high x 1 metre in length extending from the rear elevation along the shared property boundary with number 175 (adjoining rear development site to the east). The Board was not satisfied that this in itself would sufficiently address the issues of overlooking, noise, nuisance and disturbance for the residential amenity of the future occupants of the neighbouring houses, given the nature and scale of the stairs landing which has the potential to function as a terrace. As the Board decided to direct the omission of the external stairs (Condition 3(a)), the Board was then satisfied that the external door (and a window the size and scale of a door) at first floor level should be replaced with the modest windows proposed with and granted permission under the original proposal. (Reg. Ref: WEB 1378/24) and hence directed the attachment of Condition 3 (a) and (b), both in the interest of protecting residential amenity of future neighbouring occupants.

**Board Member:**

  
Patricia Calleary

**Date:** 26/05/2025