

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3576/15**

An Bord Pleanála Reference Number: PL 29S.245817

**APPEAL** by John and Fiona McGloughlan care of Plean Architecture and Urbanism of 2 Auburn Street, Phibsborough, Dublin against the decision made on the 3<sup>rd</sup> day of November, 2015 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A first floor extension at rear, incorporating overhang to side and new door at side at ground floor level and all associated site works at 12 Connolly Avenue, Inchicore, Dublin.

## **DECISION**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

## REASONS AND CONSIDERATIONS

Having regard to the established pattern and character of development in the vicinity of the site and the configuration of the site viz-a-viz neighbouring dwellings and the setback of the proposed overhang at first floor level to the rear of the site only, the Board considered that this element of the extension would not be unduly visually dominant when viewed from the public streetscape or from the neighbouring dwelling at number 13 Connolly Avenue. Furthermore, the Board considered that the degree to which the proposed rear extension projects beyond four metres to the rear of the main dwelling is de minimis and would not give rise to injury to the amenities of the neighbouring dwelling at number 11 Connolly Avenue. Accordingly, the Board considered that the extension, as proposed, would not seriously injure the residential amenities of the area and that the requirements of condition number 2 of the planning authority notification of decision to grant planning permission would be unwarranted.

In deciding not to accept the Inspector's recommendation to amend condition number 2 as imposed by the planning authority, the Board for the reason stated above, did not share the Inspector's conclusions in respect of the impact of the proposed overhang at first floor level on the neighbouring dwelling and the residential amenities of the area.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this      day of                      2016.**