

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2429/16

An Bord Pleanála Reference Number: PL 29S.246627

APPEAL by Michael and Olivia Meaghar care of Niall D. Brennan Associates of 7 Harcourt Street, Dublin against the decision made on the 26th day of April, 2016 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of a single storey conservatory extension (floor area: 15.4 square metres) to the rear of the existing house at number 3 Orwell Park Square, Rathgar, Dublin.

DECISION

Having regard to the nature of the conditions 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 nature and scale of the proposed development, the existing character and pattern of development in the vicinity of the site and the configuration of development on the site and immediately adjoining sites, the Board considered that the proposed development would not seriously injure the residential amenities of the adjoining dwelling or the amenities of the area and accordingly the requirement of condition number 2 attached to the planning authority notification of decision to grant planning permission was unwarranted.

In deciding not to accept the Planning Inspector's recommendation to amend condition number 2 attached to the planning authority's notification of decision to grant planning permission, the Board considered that the proposed development would not seriously injure the amenities of the neighbouring dwelling and accordingly considered that the proposed modification being proposed by the Planning Inspector was unwarranted. The Board further noted the provision of section 34(13) of the Planning and Development Act, 2000 in relation to the issue of potential overhanging of gutters or other features of the proposed conservatory.

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.

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

Dated this day of 2016.