

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D16B/0247**

An Bord Pleanála Reference Number: PL 06D.247178

**APPEAL** by Siobhán Cahill of 1 Castle Court, Whitehall Road, Churchtown, Dublin against the decision made on the 3<sup>rd</sup> day of August, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Maurice Healy care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin for development comprising retention of two number dormer windows in the roof planes of the garage building associated with the dwellinghouse. The garage building has been converted to a games room, the use of which is directly associated with the existing dwellinghouse. All at 34A Whitehall Road, Churchtown, Dublin in accordance with plans and particulars lodged with the said Council.

## **DECISION**

**GRANT** permission for the retention of the dormer window on the southern roof plane of the subject building and for the use of the subject building as a games room based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the retention of the dormer window on the eastern roof plane of the subject building based on the reasons and considerations marked (2) under.

## 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.

## REASONS AND CONSIDERATIONS (1)

Having regard to the pattern of development in the vicinity and the planning history of the overall landholding, it is considered that the dormer window on the southern plane of the subject building would not seriously injure the residential amenities of adjoining property, and that the use of the subject building, subject to compliance with the conditions set out below, would be in accordance with the zoning objective, as set out in the current Development Plan for the area, and would, therefore, not be contrary to the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

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

2. The dormer window in the eastern plane of the roof of the subject building shall be removed, and the roof shall be reinstated fully with roof slates/tiles to match the existing roof finish, within three months of the date of this order. No windows of any kind, including any roof lights, shall be erected or provided on the eastern roof plane of the subject building.

**Reason:** In order to protect the residential amenities of nearby properties.

3. The subject building shall be used solely, as proposed, as a games room or for other purposes incidental to the enjoyment of the nearby dwellinghouse as such. It shall not be used as a separate dwelling/residence/family flat, and shall not be used for the carrying on of any trade or business. It shall not be used for human habitation or residential purposes of any kind, including short and/or long term lettings to third parties.

**Reason:** In the interest of clarity and in order to restrict the use of the subject building in the interest of protecting the residential amenities of adjoining property and to prevent overdevelopment of the overall site.

### **REASONS AND CONSIDERATIONS (2)**

Having regard to the location of the dormer window on the eastern roof plane of the subject building and its proximity to, and orientation towards, adjoining residential property, and having regard to the planning history of the overall landholding, it is considered that the retention of this dormer window would seriously injure the residential amenities of nearby property and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2016.**