

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Fingal County**

**Planning Register Reference Number: F16B/0239**

An Bord Pleanála Reference Number: PL 06F.247657

**APPEAL** by Patricia O'Neill care of Feargall Kenny of 45 Hainault Drive, Foxrock, Dublin against the decision made on the 3<sup>rd</sup> day of November, 2016 by Fingal County Council to grant subject to conditions a permission to Gary and Samantha Hughes care of James M. Briscoe Architect of 68 Carrickhill Road, Portmarnock, County Dublin.

**PROPOSED DEVELOPMENT:** Two storey extension to side and rear with single storey annex incorporating covered access to rear, family room at ground floor and bedroom at first floor at 20 The Green, Melrose Park, Kinsealy, County Dublin.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **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

Having regard to the pattern of development in the vicinity, and to the provisions of the current Development Plan for the area, it is considered that the proposed development, by reason of its two storied nature to the side of the existing house, and its proximity to the mutual boundary with the adjoining property to the south, would be overbearing and would seriously injure the residential amenities of this property, and would conflict with the provisions of the Development Plan, and in particular with objectives DMS28 and DMS29, which require separation distances between the side walls of houses of at least 2.3 metres, in order to allow for adequate maintenance and access. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the proposed development would be unacceptable, for the reasons and considerations set out above, and did not share the Inspector's opinion that the issue of compliance with the minimum separation distances set out in the Development Plan had been achieved.

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

**Dated this                      day of                      2017.**