

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Dublin City**

**Planning Register Reference Number: 3873/16**

An Bord Pleanála Reference Number: PL 29S.247809

**APPEAL** by Kieran and Kate Fitzgerald care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 29<sup>th</sup> day of November, 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:** Alterations to existing apartment and conversion of attic space to ancillary use to include a mechanical air handling unit and five number roof windows at apartment number 14, Block 'C', Bellevue, Islandbridge, 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 pattern of development in the vicinity, and to the limited nature and scale of the proposed development, it is considered that the proposed rooflights would not represent a discordant feature nor seriously injure the visual amenities of the area.

In not accepting the Inspector's recommendation to amend this condition, the Board considered that the proposed rooflights would not be visually unacceptable. Furthermore, the Board did not agree with the Inspector's proposed additional requirement restricting the use of the attic space, because any such restriction relates solely to the provisions of the Building Regulations and, therefore, is not appropriate as a requirement of a planning permission.

## **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                      2017.**