



An
Bord
Pleanála

Board Order
PL 29N.247889

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council

Planning Register Reference Number: 3954/16

Appeal by Paul and Emer Nolan care of P.M. Building Consulting of 60 Tower View, Trim, County Meath against the decision made on the 14th day of December, 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: (1) Single storey rear kitchen extension. (2) Two-storey side extension. (3) New front porch with extended front room. (4) Internal alterations and all ancillary site works at 45 Foxfield Grove, Raheny, 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 ATTACH condition number 3(iii) and the reason therefor and to REMOVE conditions numbers 3(i) and 3(ii) and the reasons therefor.

Reasons and Considerations

Having regard to the pattern of development in the area, where similar side extensions and front porch/extensions have been carried out, it is considered that the imposition of conditions numbers 3(i) and 3(ii) is unjustified and unnecessary to preserve the visual amenities of the area and that the removal of these conditions would not contravene the provisions of the current Development Plan for the area nor create a precedent. Furthermore, it is considered that the imposition of condition number 3 (iii) is justified in order to protect the residential amenities of adjoining property, and in the interest of visual amenity.

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 2017