An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: WEB1492/16

An Bord Pleanála Reference Number: PL 29N.248076

APPEAL by David and Susan Meehan care of Ciaran Devine Architect of 1 Maiden Row, Chapelizod, Dublin against the decision made on the 2nd day of February, 2017 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing ground and first floor side extension including garage (34 square metres) to existing dwelling and construction of a new two storey side and rear extension (76 square metres) to include two new first floor bedrooms and en-suite bathroom, existing bedroom converted to bathroom, new ground floor kitchen/dining/family room, utility room, ground floor WC, an attic conversion to accommodate new den/home office (19 square metres) including roof windows to side and rear, other minor internal alterations, proposed widening of vehicular entrance and associated site works at 47 Glasnevin Park, Glasnevin, 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 conditions numbers 3(a) and 5 and the reasons therefor.

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REASONS AND CONSIDERATIONS

Having regard to the planning history of the site, to the established precedent in the area for first floor over-garage extensions out to the front building line and up to the established ridge line, and to the corner location of the site where the adjoining dwelling sits at an angle to the proposed extension, it is considered that condition number 3 (a) is not necessary to avoid the creation of a terracing effect in this case. Furthermore, it was considered that condition number 5 be omitted as this condition is not a matter for proper planning and development but rather for the Building Regulations.

In not accepting the Inspector's recommendation to attach condition number 5, the Board did not agree with the Inspector's proposed 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.

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

Dated this day of 2017.

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