



An
Bord
Pleanála

Board Order
PL 29S.248307

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council.

Planning Register Reference Number: 2056/17.

Appeal by Frank and Maeve O'Dea care of RW Nowlan and Associates of Third Floor, 15 Kildare Street, Dublin against the decision made on the 10th day of March, 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 the existing single storey shed and the construction of a two and a half storey, two-bedroom dwelling comprising of an area of 119 square metres in total. The dwelling will be accessed from Church Gardens, with private open space provided to the rear of the dwelling and a screened private balcony at first floor level, all at 6A Church Gardens, Rathmines, 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 ATTACH condition number 3 (a) and the reason therefor and REMOVE condition number 3 (b) and 3 (c).

Reasons and Considerations

It is considered that, having regard to the pattern of development in the vicinity of the site, including the significant variations in terms of elevational treatment of neighbouring dwellings and of the new development approved on the opposite side of Church Gardens, the omission of the proposed front dormer extension, as required by condition number 3 (a), was not warranted. However, it is considered that, by reason of its location relative to adjoining properties, the proposed first floor balcony would seriously injure the residential amenities of adjoining properties, and that the inclusion of conditions numbers 3 (b) and 3 (c), requiring its omission, together with the sliding door accessing the balcony, was justifiable and reasonable.

In not accepting the Inspector's recommendation to refuse permission for the entire development, the Board had regard to the brownfield nature of the subject site and to the design, scale and nature of the proposed infill development, and was of opinion that the amount and quality of open space provided for the proposed dwelling at ground floor level, while not optimal in terms of quality, was reasonable in the context of the site conditions and would not lead to such dis-amenity to future occupants of the dwelling as to justify a refusal in this particular instance.

