



An
Bord
Pleanála

Board Order
PL 29S.248442

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City.

Planning Register Reference Number: WEB1075/17.

Appeal by Peter Nickels and Edelle O’Doherty of The Willows. 8A Sunbury Gardens, Dartry, Dublin against the decision made on the 7th day of April , 2017 by Dublin City Council in relation to an application for permission for development comprising minor modifications to permitted development (planning register reference number WEB 1139/16, An Bord Pleanala reference number PL 29S.246860) consisting of revisions to third floor bedroom window and extension of the existing chimney stack, all at The Willows, 8A Sunbury Gardens, Dartry, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for extension of the existing chimney stack and to refuse permission for revisions to third floor bedroom window).

Decision

GRANT permission for extension of the existing chimney stack in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for revisions to the third floor bedroom window based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the land-use zoning objective Z1, as set out in the Dublin City Development Plan 2016-2022, to protect, provide and improve residential amenities, the planning history of the development site, and the extent and nature of the proposal to extend the existing chimney stack to above new roof level, it is considered that subject to compliance with the conditions set out below, the proposed chimney extension would not seriously injure the amenities of the area or of property in the vicinity and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The extension of the chimney shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall comply with all conditions attached to the permission granted under planning register reference number WEB 1139/16, An Bord Pleanála reference number PL 29S.246860 including condition number 2(a). Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

Reasons and Considerations (2)

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the planning history of the development site, the character of the surrounding area and the residential and visual amenity, it is considered that the proposal to include a new window in the west-facing elevation would seriously injure the amenities of property in the vicinity by reason of overlooking, and would, therefore, be contrary to the

zoning objective, as set out in the Dublin City Development Plan 2016-2022, to protect, provide and improve residential amenities. 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 for the new window in the west-facing elevation and to omit the window on the northern elevation required under condition number 2(a) of the permission granted under planning register reference number WEB 1139/16, An Bord Pleanála reference number PL 29S.246860, the Board had particular regard to the planning history of the site including previous observations and the character of the surrounding area including the residential and visual amenity. Notwithstanding the proposal to reduce the level of overlooking on the western elevation by a revised design comprising a dormer window with Louvre Screen, the Board remained concerned about the potential for overlooking of properties to the west and north-west from a window on the western elevation at second floor level.

