

Board Order PL 06D.249306

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0598

Appeal by Ger Cannon of 5 Churchtown Avenue, Dublin against the decision made on the 25th day of August, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Retention of two sleeping pods and one studio in the rear garden of 5 Churchtown Avenue, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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

The structures subject to the application for retention do not comply with the provisions of section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas) (iv) (Detached Habitable Room) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the zoning objective for the site is 'Objective A' which is 'to protect and improve residential amenity' under the Development Plan and it is considered that the use of the property for short term lettings is a commercial activity that would adversely affect the residential amenity in the vicinity. The proposed development would not comply with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would materially contravene the objective indicated in the Development Plan for the zoning of land, would seriously injure the amenities of property in the vicinity, would set an undesirable precedent and 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, the Board did not share the Inspector's view that this form of tourist accommodation, which is essentially commercial in nature, was appropriate in the garden of a residential property, notwithstanding the scale of this particular site and furthermore the Board noted the planning authority's view that the subject development would materially contravene the zoning objective and did not consider that any of the criteria set out in Section 37.2.b of the Planning and Development Act, 2000, as amended, applied in this instance.

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

Dated this day of 2018

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