



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2818/17**

**Appeal** by Ken Doyle of 50 Dingle Road, Cabra, Dublin against the decision made on the 29<sup>th</sup> day of January, 2018 by Dublin City Council grant subject to conditions a permission to Robert Brennan care of Architectural Construction Technology of An Tigh, Ballyogan Avenue, Carrickmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention for the continuance of the previously approved register reference number 3739/14 time limited permission, for a single storey timber replacement L shaped racing pigeon loft in the rear garden of number 48 Dingle Road, Cabra West, Dublin.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the residential zoning of the site, the size of the subject site, the modest size and height of the pigeon loft structure now in place on the site and the nature of the use of this structure, and having regard to the proposed management of the pigeon loft, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> day of January 2018, 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 within the timescale set out in these conditions and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development hereby permitted shall be for a period of four years from the date of this Order. The structure and related ancillary structures shall then be removed unless, prior to the expiry of the period, planning permission shall have been granted for its retention for a further period or permanently.

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes during the period of four years, and to the circumstances then prevailing.

3. The pigeon loft shall be used in association with the applicant's racing pigeon hobby only and shall not be used for commercial purposes. The number of birds accommodated in the loft structure shall not exceed 100 at any time.

**Reason:** In the interest of clarifying the nature of the use and intensity of the development hereby permitted, and in the interest of residential amenity.

4. In the event that the applicant sells or ceases to reside in the associated dwelling, the pigeon loft shall be permanently removed.

**Reason:** In the interest of clarity, having regard to the details of the application submitted.

5. Within two months of the date of this Order, the following shall be submitted to, and agreed in writing with, the planning authority:-

- (a) Details of a raised boundary fence, to a height of two metres, on the eastern, western and northern sides of the garden where they adjoin the pigeon loft.

- (b) Details of a cleaning regime for sources of odour and infestation arising along the party boundaries, which shall generally conform to the details submitted with the application and appeal.

The raised fence shall be provided in accordance with a timescale to be agreed in writing with the planning authority.

**Reason:** In the interests of public health and the protection of residential amenity.

---

**Philip Jones**

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

**Dated this            day of            2019.**