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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0041**

**APPEAL** by Brian Moran care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 8<sup>th</sup> day of March, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission to the said Brian Moran.

**Proposed Development** Demolition of an existing carport and utility and the construction of a new utility (area 9.3 square metres); construction of a new two-storey detached house (area 145 square metres) to the side of existing house; alterations to front boundary to form separate vehicular access to both houses; subdivision of front and rear gardens; construction of new garden wall to side of new house and new boundary walls to front and rear; all ancillary site works at 39 Finsbury Park, Churchtown, Dublin 14.

**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**

It is considered that the proposed dwelling, by reason of its contemporary design and its location forward of the existing building line, would appear visually obtrusive and incongruous when viewed from surrounding properties and the street, and would, therefore, have a negative impact on the character of the area, and, having regard to the inadequate depth of the proposed dwelling's rear garden, would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, and would represent overdevelopment of the site and result in a substandard level of residential amenity for future occupants of the proposed dwelling. The proposed development would, therefore, seriously injure the residential amenities and visual amenities of the area, and would 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 concurred with the view of the planning authority regarding the incongruous and visually obtrusive nature of the design of the proposed dwelling, and also considered that the private open space for the proposed dwelling would not be of sufficient standard to provide a reasonable level of residential amenity for future occupants of the dwelling. While accepting that the issue of overlooking could be resolved by the suggestion of the Inspector regarding the relocation of the first floor window to the front of the dwelling, the Board considered that the other issues had not been resolved, and that the proposed dwelling, by reason of its design, and the extent of its site coverage, remained unacceptable, for the reasons and considerations set out above.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**