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**Planning and Development Acts 2000 to 2017**

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

**Planning Register Reference Number: D18A/0106**

**APPEAL** by Killian MacDonald care of Studio Design Squared Limited of The Warehouse, 12 Richmond Row, Portobello, Dublin against the decision made on the 27<sup>th</sup> day of March, 2018 by Dun Laoghaire-Rathdown County Council to refuse permission to the said Killian MacDonald.

**Proposed Development:** Demolition of an existing ground floor extension to 56 The Avenue of 12.8 square metres and the construction of a new three-storey two bedroom detached dwelling 84.1 square metres with off-street parking to the side garden of the property along with all associated & ancillary site works, all at 56 The Avenue, Woodpark, Ballinteer, Dublin 16.

**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**

1. The proposed development is located in an area for which the zoning objective A is to protect and/or improve residential amenity as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. It is a policy of the planning authority, as set out in the Development Plan, that two-bedroom houses have a minimum of 48 square metres private open space in order to protect the residential amenity of future residents of such houses. The proposed development does not provide this minimum quantum of private open space. The proposed development would, therefore, seriously injure the amenity of future residents of the house, would contravene the policy set out in the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located in an area for which the zoning objective A is to protect and/or improve residential amenity as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. It is a policy of the planning authority, as set out in the Development Plan, that development in side gardens respect existing and adjacent properties in terms of design and resulting visual amenity. The proposed three-storey house has had insufficient regard to the pattern of development in the area in terms of design and roof profile. The proposed development would, therefore, seriously injure the visual and residential amenity of the area, would contravene materially the zoning objective for the area set out in the Development Plan and, would be contrary to the proper planning and sustainable development of the area.

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**Stephen Bohan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2018.**