



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2460/19

APPEAL by Sheila Cooney care of Simon Clear and Associates, Planning and Development Consultants of 3 Terenure Road West, Terenure, Dublin against the decision made on the 1st day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Alan and Monica Holmes care of NODE Architecture of 42 Dawson Street, Dublin.

Proposed Development: 1. Demolition of existing screen wall and gate to the side of the existing property; 2. Construction of a detached garden building of one and a half stories to the side of the property to accommodate motor vehicles at ground floor level and a games room at the upper level. The new structure will have three dormer windows facing north-east into rear garden of the existing house; 3. Insertion of a new external door from the rear of the existing house to the garden; 4. The development will include all associated drainage and site development works at Willowdale, 24 Orwell Park, Rathgar, 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

On the basis of the information submitted with the planning application and appeal and having regard also to the zoning of the site and environs, which is 'to protect and/or improve the amenities of residential conservation areas', and to the location of the proposed development immediately adjoining the boundary with a separate residential property, the Board is not satisfied that the proposed development would not have an adverse impact on trees located outside the subject site and within the curtilage of the separate residential property. In the absence of certainty as to the effect of the proposed development on the adjoining trees and/or the provision of a management or landscaping proposal relating to the area of the adjoining trees as part of the application documentation, it is considered that the proposed development would seriously injure the residential amenities of property in the vicinity of the subject site 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 agreed with the Inspector that the principle of the proposed development was acceptable and in accordance with the zoning objective. However, on the basis of the information submitted with the planning application and appeal, the Board was not satisfied that the proposed development would not have an adverse effect on trees and landscape associated with a separate residential property, with a consequent adverse impact on the amenities of the separate residential property and on the residential conservation area.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020