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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/357**

**Appeal** by Brian McCormack care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 24<sup>th</sup> day of May, 2019 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Conversion of the attic roof space for use as an ensuite bedroom with a traditional dormer window to the front (west) elevation, box dormer window with two number obscure glass windows to the rear (east) elevation, replacement of utility room door with obscure glass window to the side (south) elevation, new obscure glass window to the stairwell on the side (south) elevations, replacement of the timber cladding over the front and side bay windows with selected standing seam metal cladding, internal alterations and all ancillary site works at 48 Griffin Rath Manor, Maynooth, County Kildare.

## **Decision**

**Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the general pattern of development in the area, the zoning objective associated with the site, the character and scale of the original dwelling, as well as the varied mix and character of residential developments in the wider area, it is considered that the permitting of the box dormer window to the rear of the property would not have a significant adverse visual impact on the streetscape or character of the area, would not impact on the residential amenity of properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to retain condition number 3, the Board considered that the inclusion of the rear dormer with its opaque windows and its modest scale and design, would not be visually dominant or obtrusive, would not overlook adjacent gardens, and would not adversely distort the scale and mass of the existing dwelling.

## **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.

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**Dave Walsh**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019**