



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0272

APPEAL by David Berber of 4 Castlecourt, Whitehall Road, Churchtown, Dublin against the decision made on the 13th day of June, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission to the said David Berber.

Proposed Development Amendment to planning permission reference: H1043 dated 11th July 1975 by omission of condition number 4 (that site number 72 and 73 are to be omitted and reserved for playlot purposes adjoining amenity open space shown on the plans submitted), all on plot opposite Elm Park House, adjacent to 71 - 72 Grange Wood, Rathfarnham, 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

It is considered that the application made to the planning authority, which purports to amend the previous permission (granted by the planning authority on 11th day of July, 1975 under planning register reference number H1043) by removal of condition number 4 attached to that permission, cannot be considered in isolation from the entire development which was the subject of the previous permission. It is considered that the Board is precluded from the granting of permission on foot of the present planning application which does not constitute a proper planning application.

Paul Hyde

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

Dated this day of 2019.