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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2528/19**

**APPEAL** by Linda and Michael Norton of 94 Kincora Road, Clontarf, Dublin and by Others against the decision made on the 2<sup>nd</sup> day of August, 2019 by Dublin City Council to grant subject to conditions a permission to Colm and May Gallagher care of David Moran of 118 Home Farm Road, Drumcondra, Dublin.

**Proposed Development:** Construction of one detached two-storey two bedroom mews house with steep pitched roof, including roof lights and parking to east, with access through laneway and roads currently under construction (planning register reference number 2401/13). Proposal includes for SUDS drainage, landscaping and boundary treatment required to facilitate the development, all to the rear of 45 Belgrove Road, Clontarf, 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**

1. Having regard to the orientation and proximity of the proposed house to properties in the area, particularly to properties to the west, the Board considered that the fenestration of the proposed two-storey building would seriously injure the residential amenities of properties in the area by reason of loss of privacy and overlooking. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the laneway network from which the proposed house would gain access is currently substandard and that the proposed development, pending improvement in access, would endanger public safety by reason of traffic hazard.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the recent planning history for the site, in particular the Board's reasons for refusal on appeal reference number PL 29N.248552, and did not consider that the amendments to the proposed development, comprising a reduction in the height of the dwelling to eaves level, a reduction in the overall building footprint, and a reduction in the number of ground floor windows, adequately addressed or overcame the Board's previous reason for refusal in terms of the impact on the adjacent residential properties in the area. Furthermore, notwithstanding the recent improvements that had taken place to the laneway network in the area arising from recently implemented developments, the Board was satisfied that the laneway network which provided immediate access to the proposed development remained restricted and constrained. The Board considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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**Maria FitzGerald**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**