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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4039/19**

**APPEAL** by Leon Co-ownership care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 14<sup>th</sup> day of November, 2019 by Dublin City Council to refuse permission.

**Proposed Development:** Demolition of existing single storey stores/outhouses attached to the rear of the existing dwelling, construction of a new two-storey two-bedroom dwelling (82 square metres) with balcony at first floor level on Saint Columba's Road Lower and private roof terrace with screening, to the rear of garden, with pedestrian entrance accessed off Saint Columba's Road Lower, replacement of existing boundary wall along Saint Columba's Road Lower, bin store to service lane, and all associated site development works, at rear of 42 Whitworth Road, 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**

The Board considered that the proposed development constitutes the overdevelopment of this tight corner infill site, would fail to provide an adequate level of private open space and residential amenity for future occupiers in terms of daylight and sunlight for bedrooms served predominantly by high level windows, and would also give rise to noise disturbances for neighbouring occupiers, arising from the provision of the primary private open space area at roof level. The Board considered that the proposed development would seriously injure the residential amenities of future occupiers of the development and the residential amenities of properties in the vicinity of the site and would not, therefore, be in accordance with 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 planning authority that the proposed development provided a substandard level of residential amenity for future occupants and considered that the amendments proposed by the developer at appeal stage, including the addition of a ground level window to bedroom 2, did not adequately overcome these issues.

Furthermore, the Board concurred with the planning authority that the proposed roof terrace, which would effectively be the only garden area available to future occupiers, would also give rise to potential noise and nuisance concerns for neighbouring occupiers. The Board considered, therefore, that the proposed development would seriously injure the residential amenities of the area and would not be in accordance with 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            2020.**