



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0756

Appeal by Desmond Mahon and Brid Morris care of Ken Ussher Architectural Services against the decision made on the 3rd day of December, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Revisions to elevations of the existing single storey rear extension and for change of use from a basement storeroom to a games room and blocking up existing door and window on the south elevation at 41 College Park Avenue, Ballinteer, Dublin.

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 AMEND condition number 3 so that it shall be as follows for the reasons set out.

3. The disposal of surface water shall be in accordance with the requirements of the planning authority.

Reason: In the interest of public health and amenity.

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area, and to the nature, form, scale and design of the proposed development, it is considered that, condition number 3 should be revised to omit all references to the need to provide for a soakpit or similar, as it is not foreseen that the proposed development will give rise to any change or increase in surface water run-off rates necessitating the provision of a soakpit.

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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020