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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4593/19**

**Appeal** by Rebecca O'Brien Taylor care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 4<sup>th</sup> day of February, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Removal of existing chimney stack from main pitched roof, (ii) construction of a new single storey extension to the front of existing dwelling with lean-to pitched roof, (iii) formation of new door opening to side elevation, (iv) widening of existing vehicular entrance and all associated site works necessary to facilitate the development, all at 73 Seapark Road, Clontarf, 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 REMOVE condition number 3 and the reasons therefor.**

## **Reasons and Considerations**

Having regard to the design and modest nature of the proposed development and to the precedents for similar extensions within Chelsea Gardens and the broader residential area, it is considered that the contemporary design of the development which incorporates zinc in the roofing materials for the front extension and comprises a modest extension to the porch and sitting room forward of the existing building line would present a strong relationship with the existing dwelling and adjoining properties, would not seriously injure the visual and residential amenities of the area 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 amend condition number 3 to remove the porch element of the proposed development and to fit the proposed sitting room window on the north-east corner with opaque glazing, the Board considered that the porch extension is typical of modest porch extensions within the overall area. In relation to the omission of the opaque glazing from the proposed window on the north-east corner of the sitting room extension, the Board noted that the building line of the adjacent terrace block to the north was set further back than the subject property and considered that any potential overlooking arising from the window would, therefore, only relate to the front portion of the adjacent front garden. The Board, therefore, concluded that there was no unacceptable impact on the residential amenities of adjoining properties and that the proposed development would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

**Dated this            day of            2020**