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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2348/20**

**Appeal** by Brian and Nicola Mulligan of 49 Elm Mount Rise, Dublin against the decision made on the 11<sup>th</sup> day of June, 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:** Development will consist of a proposed new dormer roof to the rear of the existing house roof and a proposed new gable wall to the side of the existing house and all ancillary works at 49 Elm Mount Rise, 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(a) and the reasons therefor.

## **Reasons and Considerations**

Having regard to the modest nature of the development, to the provisions of the Dublin City Development Plan 2016-2022, and to the pattern of development in the area, it is considered that the proposed development would not seriously injure the visual and residential amenities of the area or of property in the vicinity.

In deciding not to accept the inspector's recommendation to attach condition 3(a), the Board considered that the proposed development which is modest in scale, would not adversely affect the character or distinctiveness of the local area or streetscape. 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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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this                      day of                      2020**