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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1093/20**

**Appeal** by Robert and Rachel Cumiskey care of Corr and Associates of Unit 10, North Street Business Park, Seatown West, North Street, Swords, County Dublin against the decision made on the 16<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:** Retention of the existing single storey, flat roof, 26.5 square metre extension and all associated site works to the rear of 63 Grange Lodge Avenue, Clongriffin, 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 ATTACH condition number 3 and the reason therefor.

## **Reasons and Considerations**

Having regard to the pattern of development in the area and the nature and scale of the development to be retained, it is considered that, the removal of condition number 3, which seeks to reduce the overbearing and overshadowing effects of the development, would impact negatively on the residential amenities of neighbouring properties and would set a precedent for similar undesirable development in the vicinity and would, therefore, be contrary to Section 16.10.12 and Appendix 17, Section 17.2 and 17.5 of the Dublin City Development Plan 2016-2022. Therefore, the planning authority's condition number 3 is warranted.

## **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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**Terry Ó Niadh**

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

**Dated this            day of            2020.**