



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1351/20

Appeal by Paul Daly care of Coran O'Connor of 13 Estuary Road, Malahide, County Dublin against the decision made on the 25th day of September, 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: (a) The partial demolition of the existing eastern boundary wall facing the adjacent lane way; (b) a new vehicular access onto the existing laneway situated on the eastern boundary of Number 71 Collins Avenue East and discharging onto Collins Avenue East; (c) the widening of the rear vehicular access to create an access laneway onto the existing laneway situated on the eastern boundary of Number 71 Collins Avenue East and discharging onto Collins Avenue East; (d) the construction of one number new three bedroom two-storey dwelling; (e) the provision of one number new parking space and bin store; (f) all associated site and infrastructural works including foul and surface water drainage, surface car parking, landscaping (hard and soft) at 71 Collins Avenue East, Donnycarney, Dublin.

Decision

Having regard to the nature of the conditions, 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 development shall be revised as follows:
 - (a) The rear first floor elevation of the revised two-bedroom 4-bedspace mews dwelling shall be constituted by either a wall and/or opaque glazing to at least 1.8 metres above finished floor level for a distance of at least 1.5 metres back from the boundary with Number 73 Collins Avenue East, with the access to the first floor outdoor deck relocated as required.
 - (b) The proposed recessed eastern five square metres terrace at first floor level and ground floor recessed area underneath shall be screened/fitted with angled vertical slats/fins that redirect overlooking to the south as much as possible and away from the rear of Number 69 Collins Avenue East. In addition, the rear bedroom window located on the eastern elevation, to the inside of the screened area at ground floor level, shall be redesigned to incorporate a larger area of glazing extending southwards.

- (c) The proposed eastern-side fin screen on to the existing access laneway shall be fitted with angled vertical slats that redirect overlooking to the south as much as possible and away from the rear of Number 69 Collins Avenue East, or shall be replaced by a 1.8 metres high screen.
- (d) The southern first floor screen may be fitted with vertical fins for its entirety or as required.
- (e) No flat roofed area shall be used or accessed as roof garden/patio space or any additional roof plant, from what is depicted, be placed on the roof which projects above parapet-level whether or not they would be exempted developments.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing, by the planning authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of orderly development and visual amenity.

Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed western boundary's first floor terraced area's screen boundary treatment, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not result in significant overshadowing and would not seriously injure the amenities of the adjoining property. The planning authority's condition number 3 part (a) requiring the set back of the screened boundary is, therefore, not warranted.

In addition, it is considered that with adequate angled screening, the proposed recessed terraced area along the eastern elevation will not result in any significant levels of overlooking onto adjoining properties. However, given the setback involved a larger window at ground floor level is required to ensure adequate natural lighting to this rear bedroom. The planning authority's condition number 3 part (c) shall, therefore, be amended to incorporate these changes.

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.

Paul Hyde

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

Dated this day of 2021