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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3051/20**

**Appeal** by Mourneview Construction Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 16<sup>th</sup> day of October, 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:** Demolition of existing storage shed, construction of an adjoining two-storey three bedroom dwelling to existing dwelling, modifications to existing vehicular access to provide separate vehicular and pedestrian access to proposed dwelling and the removal and replacement of existing windows to number 86, all with associated site works, at 86 Captain's Avenue, Crumlin, 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 reason set out.**

3. Prior to commencement of development, revised drawings shall be submitted to and agreed in writing with the planning authority to show the following amendment:

The first-floor rear bathroom window shall be fitted with obscure glazing only.

**Reason:** In the interests of visual and residential amenities.

## **Reasons and Considerations**

Having regard to the pattern of development in the area, the zoning objective associated with the site and the planning history, it is considered that the inclusion of condition number 3 (a) and 3 (b) as written are unnecessary and would not result in any additional protection of residential amenity as indicated. The amended proposed development, including the increased set back from the rear site boundary and the inclusion of angled windows at first floor levels is appropriate and acceptable, would not seriously injure the visual or residential amenities of the area and would 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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**Paul Hyde**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2021.**