



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3296/20

APPEAL by Derek Byrne and Fiona Dowling care of Ceardean Limited of D8 Studios, 9 Dolphins Barn, South Circular Road, Dublin against the decision made on the 27th day of October, 2020 by Dublin City Council to refuse permission.

Proposed Development: Retention of amendments to previously approved first floor extension (planning register reference number 3369/18) to rear providing two bedrooms above existing kitchen at 15 O'Moore Road, Ballyfermot, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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.

Reasons and Considerations

1. Having regard to condition number 3 of the existing permission granted under planning register reference number 3369/18 that requires that the proposed first floor rear extension shall project a maximum of 3.5 metres from the existing rear building line at first floor level, to the scale and length of the pitched roofed development proposed to be retained, it is considered that to permit the development proposed to be retained would contravene materially a condition attached to an existing permission for the development and would, therefore, be contrary to proper planning and sustainable development.
2. Having regard to the pattern of development in the area and the scale of the development proposed to be retained, it is considered that the development proposed to be retained would have a negative impact on adjoining residential and visual amenity in terms of overbearance and would be contrary to Section 16.10.12 of the Dublin City Development Plan 2016-2022 with respect to residential extensions. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set in the area, be contrary to proper planning and sustainable development.

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

Dated this day of 2021