



An
Bord
Pleanála

Board Order
ABP-308833-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20B/0283

Appeal by Amy and Paul Huntly care of Colgan O'Reilly Architects of 93A Sandymount Road, Dublin against the decision made on the 11th day of November, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of permission for a single storey extension to the rear and two-storey extension to the side and rear, rear dormer roof structure, rear rooflight over stairs, rear garden patio structure and retention of garage conversion to the front, all at 40 Woodlands Drive, Stillorgan, County 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 REMOVE condition number 4 and the reason therefor, and AMEND condition number 5 so that it shall be as follows for the reason set out.

5. Prior to commencement of development, revised drawings and details showing the omission of the canopy structure attached to the rear extension in its entirety, and a revised roof proposal over the rear doorway to the private amenity area, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of protecting the existing visual and residential amenities.

Reasons and Considerations

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development and its configuration relative to the neighbouring property to the north/north-west at Number 38 Woodlands Drive, it is considered that:

- (a) the modifications required by the planning authority in its imposition of condition number 4 are not warranted, and the proposed development, with the omission of condition number 4, would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area, and
- (b) the modifications required by the planning authority in its imposition of condition number 5 are not warranted in relation to the single-storey extension only, and the proposed development, with the omission of condition number 5, would not have a significant negative impact on the residential amenities of this neighbouring property, or any other property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is considered that the canopy structure provided to the rear of the proposed single-storey extension would extend the potential for overshadowing of the private amenity space of Number 38 Woodlands Drive to an unacceptable level and would give rise to increased overbearing on this property. It is further considered that the provision of a permanent canopy structure would have a negative impact on the visual and residential amenity of property in the vicinity of the site and should be omitted in its entirety.

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.


Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *27th* day of *April* 2021.