



An  
Bord  
Pleanála

Board Order  
ABP-310154-21

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## **Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2236/21**

**Appeal** by Kieran Desmond care of Module Group of 42 Dawson Street, Dublin against the decision made on the 9<sup>th</sup> day of April, 2021 by Dublin City Council to grant subject to conditions a permission to Denise O'Grady and Sean Boyd care of FKL Architects of 3 Wexford Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Planning permission for a second-floor home office with WC extension set back 2.4 metres to the front, giving a terrace screened by translucent glass, and set back one metre to the rear on an existing two-storey semi-detached dwelling, all at 3 Stable Lane, Cambridge Road, Rathmines, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the scale, design and height of the proposed development and to the zoning objective for the area, as set out in the Dublin City Development Plan, 2016 - 2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the scale and height, including the proposed second floor terrace, to be acceptable in terms of the residential and visual amenities of the area, did not agree that the proposal would comprise an overbearing feature when viewed from the adjoining residential property or would give rise to undue overlooking of nearby private amenity space. As such, it did not consider that the proposed development would seriously injure the residential amenity of adjoining properties or would be contrary to the residential conservation zoning objective of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The west facing opaque glass panel balustrade shall be increased in height to not less than 1.8 metres.

**Reason:** In the interest of the residential amenities of adjoining properties.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A panel of proposed finishes shall be erected on site to enable the planning authority to assess the proposed finishes.

**Reason:** In the interest of visual amenity.

4. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

*Terry Prendergast*

**Terry Prendergast**

**Member of An Bord Pleanála**

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

Dated this *20<sup>th</sup>* day of *August* 2021.

