

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2251/21

Appeal by Colum Lavery and Melanie Cunningham care of Ceardean Limited of D8 Studios, 9 Dolphins Barn, South Circular Road, Dublin against the decision made on the 15th day of April, 2021 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Replacement of the existing rear extension with construction of a two-storey rear extension with amendments to increase apex height, two rooflights to front roof pitch with ancillary site works at 70 Saint Magdalen Terrace, Irishtown, 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 Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 5 so that it shall be as follows for the reason set out.

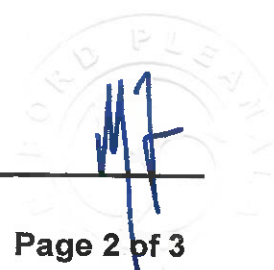
5. The proposed development shall be amended as follows:
- (a) The development shall be carried out and completed in accordance with the further plans and particulars shown on Drawing Number 2_212 received by An Bord Pleanála on the 12th day of May, 2021.
 - (b) The roof lights on the front slope shall be of a conservation type.

Revised drawings and details showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the architectural character of the area and the residential amenity of adjoining properties.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the Z2 - Residential Neighbourhoods (Conservation Areas) zoning for the site, the pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to condition number 5 as set out above, the proposed development would not seriously injure the residential and visual amenities of the area or of property in the vicinity, would not detract from or harm the setting of the Z2 Conservation Area zoning, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

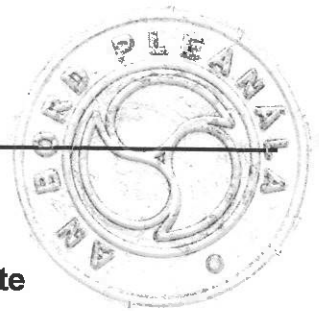


Matters Considered

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.


Michelle Fagan

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



Dated this

4th

day of

August

2021