

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2413/21

APPEAL by Tyra Properties Limited care of Enda Prendergast and Associates of Office 2, The Rossmore Factory, Dublin Road, Monaghan against the decision made on the 11th day of May, 2021 by Dublin City Council North to refuse permission.

Proposed Development: Retention of existing single storey detached prefabricated habitable structure located to the rear of existing dwellinghouse at 17 Kildonan Avenue, Finglas West, 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 the design and layout of the structure for which retention is sought, in particular the size and layout of the internal accommodation, does not meet the standards set out in the government guidance 'Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), the absence of any physical separation between the structure to be retained and the original house on the site or independent access to the accommodation to be retained and the limited provision of high quality well sited and laid out private amenity space areas to serve the original house and accommodation for which retention is sought, it is considered that the proposed retention of the structure would result in a sub-standard form of residential accommodation for existing and future occupants of the site that would be contrary to the provisions of Section 16.10.2 of the Dublin City Development Plan 2016-2022 relating to Residential Quality Standards - Houses. The proposed development for retention would, therefore, seriously injure the residential amenities of occupants of the site and the residential amenities of the area, would set an undesirable precedent for other similar forms of development and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and scale of the structure proposed to be retained including the presence of windows in the west facing elevation of the structure, to the proximity of the structure to the boundary with the property to the west at Number 19 Kildonan Avenue, and to the nature and low level of the boundary between the appeal site and this property, it is considered that the retention of the structure as proposed would have a significant negative impact on the residential amenities of Number 19 Kildonan Avenue by virtue of overlooking, overbearing visual impact and visual intrusion. The proposed development for retention would, therefore, seriously injure the amenities and depreciate the value of adjoining properties and would be contrary to the proper planning and sustainable development of the area.

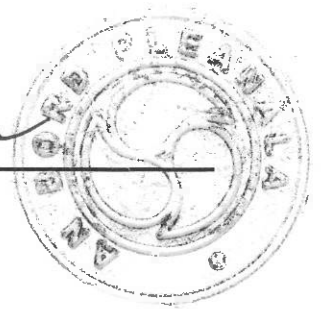
Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *11th* day of *August* 2021