

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F21B/0175

Appeal by David McDonnell and Orla Brannigan care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 1st day of July, 2021 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of single storey detached rear garden shed and construction of a part single storey, part two-storey extension to the rear of existing two-storey dwelling, modifications to internal layout, surface water drainage, landscaping and boundary treatment and all associated ancillary site development works necessary to facilitate the proposed development at 3 Saint Patrick's Terrace, Donabate, County 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 said Council under subsection (1) of section 139 of the

AMB

Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

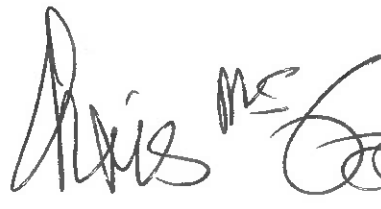
Having regard to the nature, scale, form, positioning and orientation of the living room element of the proposed extension and taken in conjunction with the form and design of the overall proposed extension, it is considered that the proposed living room element would not seriously injure the amenities of property in the vicinity, would not lead to overbearance, and would otherwise constitute an acceptable form of design at this specific site. The living room element 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 retain condition 2, the Board considered that the overall proposed extension, including the living room element, would constitute an acceptable design proposal at this specific location, having regard to the disaggregated nature of the overall development form, the positioning and orientation of the living room element, and the setting back of the proposed extension from the property boundaries, compared to the previous design set out under planning register reference number F20A/0048 (An Bord Pleanála reference number ABP-307334-20). In this regard, the Board determined that the proposed living room element would not either by itself, or in conjunction with the overall extension, lead to overbearance, or otherwise seriously injure the amenities of adjoining property and that the retention of condition number 2 was not therefore warranted.

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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.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 16th day of November 2021.