



An
Bord
Pleanála

Board Order
ABP-310893-21

Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 21567

Appeal by John Conlon and Catherine Hogan-Conlon care of Phoebe Brady of 10 South Terrace, Inchicore, Dublin against the decision made on the 21st day of June, 2021 by Louth County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing garage; construction of ground floor extension to side of property with one rooflight and ground floor extension with mezzanine to rear of existing house with one rooflight and central roof terrace; modifications to existing front entrance door and front window; construction of store and garden wall to front and side of property and all associated site works at 44 Sandfield Gardens, Blackrock County Louth.

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 Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor, and to ATTACH a further condition so that it shall be as follows for the reason set out.

Further Condition

The proposed 1.75 metre high opaque screen shall be extended to the full width of the southern boundary of the roof terrace.

Reason: In the interest of residential amenity.

Reasons and Considerations

Having regard to the nature, extent and design of the proposed development, it is considered that, subject to conditions, the proposed development would constitute a high-quality architectural addition to the existing dwelling which would not seriously injure the amenities of adjoining residential properties by reason of overbearance or overlooking. In this context the retention of condition number 2 is not warranted and the addition of a further condition, extending the opaque screen proposed along the southern boundary of the roof terrace, is considered appropriate in the interest of residential amenity.



In deciding not to accept the recommendation of the Inspector to retain condition number 2, the Board considered the overall proposed development including the mezzanine extension and roof terrace to constitute a high-quality architectural form, which would capture the design resonance of the original dwelling without overpowering it. The Board also determined that the internal configuration of the mezzanine extension, with stairs along the western edge and the room area located within the building fabric, would not lead to serious injury to adjoining properties by reason of overlooking.

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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *23rd* day of *Nov.* 2021.

