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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D21B/0184**

**Appeal** by Michael Shelly care of David Shannon of The Architects, 111 Patrick Street, Dun Laoghaire, County Dublin against the decision made on the 30<sup>th</sup> day of July, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission is sought for a 19.3 square metre balcony at first floor level to the rear with glass type balustrade, conversion of window opening to sliding/bi-fold doors and all associated site works at Number 1 Rocklands, Dalkey, 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 Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

## Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, to the nature and form of the existing dwelling on site and the relationship with neighbouring dwellings, it is considered that the proposed balcony by reason of its scale, nature and design, and its location with respect to adjoining properties, would not detract from the character of the existing dwelling or the visual amenities of the area, and would not detract from the residential amenity of the existing dwelling or adjoining properties. In this regard, condition number 2 of the planning authority's decision, requiring the provision of screening elements to the side elevations of the rear balcony element, to a minimum of two metres in height, is not warranted.

## 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 14<sup>th</sup> day of February 2022

