

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

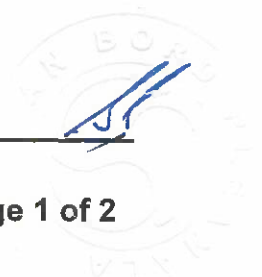
Planning Register Reference Number: 3098/21

Appeal by Anthony Law and Natalie Law of 43 Swans Nest Road, Donaghmede, Dublin against the decision made on the 30th day of August, 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: (a) Raise the ridge height of existing roof by 200 millimetres, (b) construction of a dormer window to the rear roof elevation, and (c) construction of an enclosed entrance porch with pitched roof over to the front elevation, at 43 Swans Nest Road, Donaghmede, 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 ATTACH condition number 2(a) and the reason therefor.



Reasons and Considerations

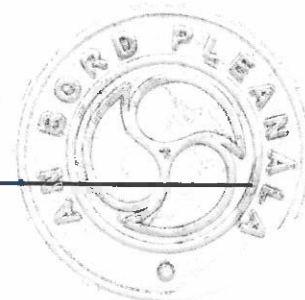
It is considered that the increase in the ridge height of 200 millimetres, sought by the removal of condition number 2(a) of the planning authority's decision, would result in a floor to ceiling height within the dormer attic space of circa 1.9 metres, which is below the minimum standard of 2.4 metres. As such and notwithstanding the increase in the ridge height by 200 millimetres, the proposal would result in a bedroom which is substandard in terms of floor to ceiling height. Furthermore, the Board considered that the increase in ridge height would have a detrimental impact on the visual amenity of the area and would set an undesirable precedent for other similar type developments. The proposal is therefore contrary to 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.


Stephen Bohan

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



Dated this *14th* day of *February* 2022.