

An  
Bord  
Pleanála

Board Order  
ABP-312588-22

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## Planning and Development Acts 2000 to 2021

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

**Planning Register Reference Number:** D21A/0956

**Appeal** by Michael FitzGerald care of Eoin FitzGerald of 32 Bellevue Avenue, Glenageary, County Dublin against the decision made on the 17<sup>th</sup> day of December, 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:** The retention of two number existing single storey outbuildings. (1) A shed to the rear of the existing house for use as study/gym. (2) A temporary external WC to the side of existing house which was erected due to safety concerns regarding the Covid-19 pandemic and the elderly residents who live in the existing house at Balnootra, number 19 Alma Road, Monkstown, County Dublin which is a Protected Structure.

## Decision

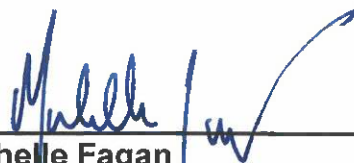
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reasons set out.

2. Within four years from the date of a final grant of permission, the external W.C. facility located to the side of the dwelling house shall be removed from the subject site.

**Reason:** In the interest of clarity.

## Reasons and Considerations

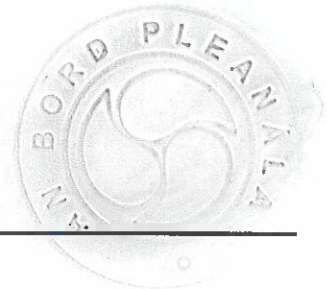
Having regard to the nature, scale and location of the development for which retention permission is sought and which is largely screened by hedging, the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Arts, Heritage and the Gaeltacht in 2011, it is considered that the retention of the development for a temporary period of four years would be acceptable given that development is one that can be removed without damage to the protected structure, and which does not negatively impact the special character and appearance of the protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this 11<sup>th</sup> day of May 2022.