



An  
Bord  
Pleanála

Board Order  
ABP-312663-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Leitrim County Council**

**Planning Register Reference Number: 21/232**

**Appeal** by Ali Henry care of Archengtech Consulting Limited of Dalton House, Bawn Street, Strokestown, County Roscommon against the decision made on the 12<sup>th</sup> day of January, 2022 by Leitrim County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of unauthorised development to extension of existing dwelling house (on foot of planning permission in respect of planning approval reference P20/18 ), and comprising of: (i) existing window opening height enlarged at first floor level on the rear façade of the existing house, (ii) the installation of a window rather than the authorised double doors, to the gable of the ground floor extension to the northern façade of the existing house, (ii) the provision of an additional hard-surfaced area to the front of the dwelling house, extending north from the existing hard surfaced area, together with all associated works at 37 Shannon Cove, Dromod, Carrick-on-Shannon, County Leitrim.

## Decision

Having regard to the nature of the conditions 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 3 and to REMOVE condition 4 so that they shall be as follows for the reasons set out.

## Reasons and Considerations

3. The flat roof on the rear elevation of the dwelling shall not be used as a roof patio/balcony.

**Reason:** In the interest of residential amenity.

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the enlarged window proposed to be retained would not seriously injure the visual or residential amenities of the area or of properties in the vicinity by reason of overlooking.

The planning authority's condition number 3 (requiring the raising of the cill height of the window to the original cill height of the window prior to its alteration) is, therefore, not warranted.

The restrictions imposed on the use of the flat roof are sufficient to negate against overlooking.

In relation to condition number 4, it is considered that the timber fencing along the roadside boundary is outside the scope of the application.



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**John Connolly**

**Member of An Bord Pleanála**

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

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