



An
Bord
Pleanála

Board Order
ABP-313549-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3308/22

Appeal by Paschal Naylor and Rossa Martin care of Aughey O’Flaherty Architects of West Lane, Dún Laoghaire, County Dublin against the decision made on the 14th day of April, 2022 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Modification to the permission granted (planning register reference number 3991/20) for the installation of 21 square metres of solar panels to the rear faces of both pitches of the ‘double A’ roof, the associated ancillary works, and the replacement of the existing fibre cement slates with natural slates, all at 17 Terenure Road East, Rathgar, Dublin (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 3 so that it shall be as follows for the reason set out.



3. All new slates to the outer slopes of the roof shall be blue Bangor slates. The natural slates to the inner slopes shall be a Del Carmen natural Slate.

Reason: To protect the character and integrity of this Protected Structure.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the height of the building, the nature of its rear roof aspect including limited view thereof, as well as the pattern of development in the area, it is considered that the imposition of condition number 3(a) is unnecessary and the amendment of this condition would not contravene the provisions as set out in the current development plan for the area and would not set a precedent. The Board also had regard to Policy BHA22 of Chapter 11 of the Dublin City Development Plan 2022-2028 in relation to upgrading Environmental Performance. Therefore, condition number 3 is revised as set out above.



Joe Boland

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

Dated this *24TH* day of *August* 2023