



An  
Bord  
Pleanála

**Board Order**

**ABP- 313852-22**

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22B/0168**

**Appeal** by Darragh and Justina Geoghegan care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 25<sup>th</sup> day of May, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Permission for retention of development is sought for alterations to previously granted planning permissions register reference numbers D21A/0719, D21B/0438 and D21B/0458. Retention works comprise: a 24 square metre increase in external floor area of the ground floor kitchen and dining area extension. Alterations to the front elevation comprising: an increase in the sliding patio doors to a six-metre opening, changing the ground floor extension external finish from brick to timber cladding, alterations to entrance porch detail and removal of obscured glass to the first-floor master bedroom/bathroom to clear glass. Alterations to the side elevation (north-eastern elevation) comprising: omission of all ground floor windows and doors facing towards Dundrum Road and omission of the first-floor master bedroom window facing towards Dundrum Road. Alterations to the rear elevation comprising: relocation of the ground floor utility room wall and window and alterations to the first floor bathroom walls. Increase in the external area of the rear ground floor utility room by 1.2 square metres. Increase in the external area of

the first-floor bathroom by 1.3 square metres. Installation of velux roof lights in the master bedroom roof, the first-floor bathroom, the attic and one number rooflight in the kitchen flat roof. Construction of a two-metre-high boundary wall along the north eastern boundary to finish in line with the new ground floor kitchen and dining room building line and associated landscaping and site development works, all at 3 Saint Luke's Crescent, Milltown, Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

1. On the basis of the information provided, including the public notices that accompany this planning application, it appears to the Board that this development relates to a site where development occurred which did not have the benefit of planning permission which also forms part of the development for which retention is sought and a development which is not accurately presented in the documentation submitted with this application. To permit the retention of the development sought under this application would consolidate and intensify the development which did not have the benefit of planning permission. It is considered, therefore, that it would be inappropriate for the Board to consider the grant of permission for retention of this development.

*EPK*

2. Having regard to the planning history of the site, the pattern of development that characterises the site setting, the design, height, scale and overall built form of the quantum of development sought, it is considered that the retention of the development would appear visually incongruous, out of character with its streetscape scene, would seriously injure the amenities of property in its vicinity, in particular adjoining property Number 2 Saint Luke's Crescent, by way of undue overshadowing, visual overbearance through loss of daylight/natural light, and would set an undesirable precedent for similar type development in the area. The retention of development sought under this application would, as a result, conflict with zoning objective 'A' for the site and its setting which, as set out under the Dún Laoghaire-Rathdown County Development Plan, 2022 - 2028, seeks to balance the protection of established residential amenities whilst permitting site and setting appropriate residential amenity improvements to existing dwellings. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

*Eamonn Patrick Kelly*

**Eamonn Patrick Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *3<sup>rd</sup>* day of *July* 2023.