

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0307

Appeal by Kirsten Connolly and Edmund Ramsay care of Bright Design Architects of 4 Seafield Park, Booterstown, County Dublin against the decision made on the 3rd day of July, 2023 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 development for retention consists of minor alterations to development granted under permission D21B/0578 as follows: One number new rooflight to rear slope of main roof. Alterations to parapet design/height to the front flat roof. Alterations to approved window/door openings to front (ground floor)/ side (ground and first floors) and rear (ground floor). One number single-storey rear garden shed with lean-to greenhouse in lieu of two number smaller separate sheds previously approved. Timber fencing along front party boundary wall (1.9 metres high). Amendments in height of front entrance piers (two metres high). All associated internal layout changes/alterations, drainage, landscaping and ancillary works and permission for one number single-storey timber sauna to rear garden, at 31 Ashton Park, Monkstown, County 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 numbers 3(a) and 3(b) and the reason therefor.

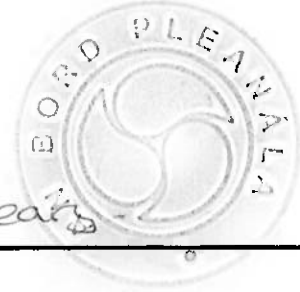
Reason and Considerations

Having regard to the provisions of Dún Laoghaire-Rathdown County Development Plan 2022-2028, in particular Section 12.4.8.2 (Visual and Physical Impacts) of Chapter 12 that sets out development management standards of relevance to the proposed development, it is considered that, having regard to the character of the area, condition 3 (parts a and b) as attached to the planning authority's decision is reasonable and necessary to achieve the stated standard requiring boundary walls, entrance piers and gates and railings to normally be finished to harmonise in colour, texture, height and size to match the existing streetscape and to avoid contributing to a negative cumulative effect on the established character and appearance of the residential area.

Note: In disagreeing with the Planning Inspectors recommendation to remove Condition 3 (parts a and b), the Board did not agree that, regarding the two-metre-high vehicular piers and the 1.9 metre high timber panel fence party boundary with number 32 Ashton Park, where the party boundary is positioned forward of the house, that either would be supported by the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. In particular, the Board noted that the development management standard of relevance outlined in Section 12.4.8.2 (Visual and Physical

Impacts) of the plan does not support the interventions proposed to be retained as they would not match the existing streetscape and if permitted would contribute to a negative cumulative effect on the established character and appearance of the residential area. Accordingly, the Board arrived at the conclusion that condition 3 should be attached.

Patricia Calleary



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 15 day of April 2024.