

An
Bord
Pleanála

Board Order ABP317823-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0367

Appeal by Philip Healy care of BPS Planning Consultants Limited of Ballinatone Lower, Greenan, County Wicklow against the decision made on the 24th day of July, 2023 by Dún Laoghaire-Rathdown County Council in relation to the application by Philip Healy for permission for development comprising retention of 13 number PV solar panels on rear, south and east-facing roofs and retention of one number MyEnergi Zappi EV charger installed in front gravelled area and permission for the provision of a single off-street parking space to facilitate in property EV charging within the front of the property consisting of the removal of a section of existing fixed railings to form a three-metre-wide opening with gates formed re-using the original railings, all at 19 Eaton Square, Monkstown, County Dublin in accordance with the plans and particulars lodged with the said Dún Laoghaire-Rathdown County Council (which decision was to grant retention permission subject to a condition for the 13 number PV solar panels on rear, south and east-facing roof and for the retention of one number MyEnergi Zappi EV charger installed in front gravelled area and to refuse permission for the provision of a single off-street parking space to facilitate in property and EV charging within the front of the property consisting of the removal of a section of existing fixed railings to form a three-metre-wide opening with gates formed re-using the original railings).

Decision

GRANT permission for the retention of 13 number PV solar panels on rear, south and east-facing roof and retention of one number MyEnergi Zappi EV charger installed in front gravelled area in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below.

REFUSE permission for the provision of a single off-street parking space to facilitate in property EV charging within the front of the property consisting of the removal of a section of existing fixed railings to form a three-metre-wide opening with gates formed re-using the original railings based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the scale and nature of the development proposed to be retained, which comprises the installation of PV solar panels and EV charger to an existing dwelling in a fully serviced urban location, it is considered that, subject to compliance with the condition set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition



1. The 13 number PV solar panels on rear, south and east-facing roofs and MyEnergi Zappi EV charger installed in front gravelled area development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Reasons and Considerations (2)

The proposed development comprising the provision of a single off-street parking space and the removal of a section of existing fixed railings to form a three-metre-wide opening with gates formed re-using the original railings would be out of character with the historic pattern of front boundary treatment in Eaton Square, an Architectural Conservation Area (ACA) in the Dún Laoghaire-Rathdown Development Plan 2022 - 2028. The proposed development would form a discordant feature in the streetscape and would contravene Policy Objective HER13 and Section 12.4.8.4, Chapter 12 of the said Plan. The proposed development would, therefore, be visually detrimental to the area, would seriously injure the amenities and depreciate the value of property in the vicinity, would set an undesirable precedent for other similar inappropriate development in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, and notwithstanding policy objectives, as set out in the Dún Laoghaire-Rathdown Development Plan 2022 - 2028 on low emission and electric vehicles, the Board, on balance, concurred with the planning authority's decision to refuse the off-street parking element of the proposed development. The Board considered the subject site to be particularly sensitive being part of a group of four houses where the historic railings survive intact to all of the houses forming an attractive feature and, therefore, considered that the proposed development would set a significant undesirable precedent for other similar inappropriate development in the vicinity.



Liam Bergin

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

Dated this 17th day of June 2024.