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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1661/23**

**Appeal** by Mark Cosgrave care of Hussey Architects of 13 Gilford Road, Sandymount, Dublin against the decision on made on the 27<sup>th</sup> day of September, 2023 by Dublin City Council to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A dormer attic conversion and realignment of main roof structure to replace hipped design with new gable design all to incorporate an ensuite bedroom with store and access staircase to house. Proposed two number rooflights to be located on front elevation, proposed one number rooflight and one number window on the rear elevation and proposed one number window to gable elevation, with connection to existing onsite services and all associated sit works at 1 The Orchard, Cherryfield Avenue Upper, Ranelagh, 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 REMOVE condition number 3 and the reason therefor.


## **Reasons and Considerations**

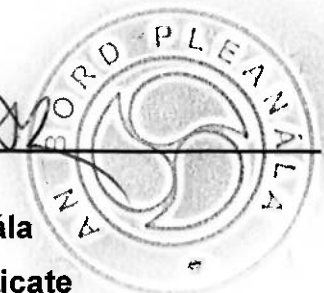
Having regard to the nature, scale and extent of the proposed development, to the relevant provisions of the Dublin City Development Plan 2022-2028, it is considered that the provision of the dormer window on the rear facing roof plane and its positioning by reference to the ridgeline of the existing roof structure as set out in the original application documentation, would not seriously injure the amenities of the area, would not be overbearing or overly dominant on the roofscape of the existing dwelling and would otherwise constitute an acceptable form of development at this location. Furthermore, condition 3 (c) is unnecessary as the documentation submitted with the planning application confirms that the external walls of the dormer shall be metal clad and condition number 1 applies in this instance. The removal of condition number 3 is therefore warranted and would, therefore, be in accordance with the proper planning and sustainable development of the area.

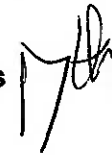

In deciding not to accept the recommendation of the Inspector to retain condition 3 (a) and (c), the Board considered the totality of the documentation on file, including the third-party observation at planning authority stage and the assessment of the Dublin City Council planning officer. Specifically, the Board completed an assessment of the plans and particulars and determined that no measurable impact from the proposed provision of the dormer window would arise in the first instance, either in terms of its effect on the form and appearance of the existing dwelling, nor on the wider environs, such that a reduction in width by 900 millimetres would be warranted by reference to the proper planning and sustainable development of the area. In this regard, the Board determined that the opinion of the Inspector, that the fact the proposed



development may be a new departure within The Orchard scheme, did not constitute a measurable planning ground, consistent with the principles of proper planning and sustainable development, or founded on any engaged assessment of the plans and particulars submitted with the planning application, for reducing the width of the dormer window. The Board also determined that the metal clad finish to the external walls of the dormer is fully set out in the planning application documentation and forms a permitted element of the scheme by reference to condition number 1 of the planning authority.

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



Dated this  day of  2024.