



An  
Bord  
Pleanála

## Board Order ABP-319569-24

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D23B/0532**

**Appeal** by Elona Dervishi care of John Taylor Architect Limited of 39 North Avenue, Mount Merrion, County Dublin against the decision made on the 25<sup>th</sup> day of March, 2024 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of alterations to permission granted under planning register reference number D22B/0216 to include reduced width and slightly increased height of single storey extension to side of house, enlarged window to front of the extension, new single storey extension at rear, attached garden store to rear of kitchen, new canopy over patio to rear and new bathroom window at first floor level at side of house, all at 10 Willow Glen, Glenamuck Road, Dublin, as revised by the further public notices received by the planning authority on the 28<sup>th</sup> day of February, 2024.

## **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, as amended, to ATTACH condition number 2 and the reason therefor.**

## **Reasons and Considerations**

Having regard to Section 12.3.7.1(ii) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the height of the canopy for which retention is sought is overbearing on the adjoining property to the south-west and would seriously injure the residential amenities of the adjoining property accordingly, and would, therefore, be contrary to the proper planning and sustainable development of the area. The attachment of condition number 2 would, therefore, be warranted.

*ML*

In deciding not to accept the inspector's recommendation to omit condition number 2, the Board considered that, given its height and positioning relative to the adjoining property to the south-west, the development proposed to be retained does give rise to an overbearing impact in this context.

*Mary Gurrie*

**Mary Gurrie**

**Member of An Bord Pleanála**

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

**Dated this 15 day of October 2024.**