

An
Bord
Pleanála

Board Order ABP-320325-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3665/24

Appeal by Simon O'Donnell care of Donal Hickey Architects of 1 Nun's Lane, Abbeyfield, Killester, Dublin against the decision made on the 4th day of July, 2024 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Removal of the existing rear single-storey ground floor and existing first floor toilet and its replacement with a new extension at ground floor (22.51 square metres) and a single bedroom and toilet at first floor level (10.32 square metres), the construction of a new Velux rooflight and new porch doors at front elevation, internal insulation and retrofitting, together with all associated works, all at 21 Foyle Road, Fairview, Dublin.

Decision

Having regard to the nature of the conditions 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 **AMEND** condition number 2 (a) so that it shall be as follows for the reason set out and to **REMOVE** condition number 7 (b) and the reason therefor.

2. (a) The proposed south-facing window at first floor level serving bedroom 4 shall be reduced in size such that the bottom sill level is no less than 1.7 metres above finished floor level.

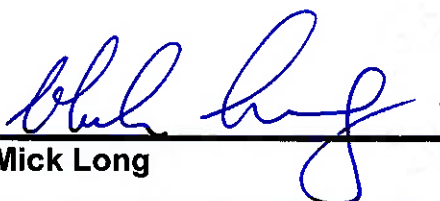
Reason: In the interest of residential amenity.



Reasons and Considerations

In relation to condition 2 (a), it is considered that the south-facing window to bedroom 4, as proposed in the plans and particulars lodged with the application, would result in excessive overlooking of the neighbouring garden (number 22) and, as such, would seriously injure the residential amenities of that property.

In relation to condition 7 (b), it is considered that the specified drainage arrangements, requiring a completely separated system, would be unduly onerous given the minor nature of the proposed extension to a terraced property currently served by a combined system running to the rear of the terrace.



Mick Long

Member of An Bord Pleanála

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

Dated this 1st day of November 2024.