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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB2493/24**

**Appeal** by Suzanne McDonnell care of CK Architecture of Ashleigh House, John F Kennedy Road, Dublin against the decision made on the 16<sup>th</sup> day of January 2025, Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Modifications to previously granted planning permission (Register Reference Number WEB1378/24) consisting of (1) change of fenestration to rear; (2) change of internal layout; (3) proposed external stair to rear from ground to first floor; (4) ground floor glazed panel to front to be relocated 1.2 metres away from the laneway; (5) entry door to be relocated and (6) all related works at site to rear of 177 South Circular Road, Dublin.

P.C.

## Decision

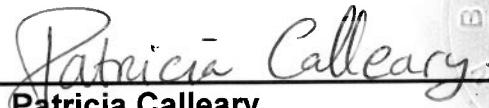
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 3 and the reason therefor.

## Reasons and Considerations

It is considered that the introduction of the proposed external first-floor stair access to the rear of the property introduces a first floor terrace area / landing area with direct access to a living area at first floor level with potential for undue overlooking, noise, nuisance and disturbance for the residential amenity of the future occupants of the neighbouring houses, namely the mews house granted under PL29S.312797 (3920/21) and 2730/21. Condition 3(a) is therefore considered appropriate in the interest of protecting adjoining residential amenities. Windows of a similar size and style of that previously approved are considered reasonable by the Board, where stairs access would be omitted (as a result of the attachment of Condition 3(a)), in the interest of protecting residential amenity of future neighbouring occupants and accordingly, the Board decided to also attach Condition 3(b) as attached by the planning authority.

In disagreeing with the inspector to amend Condition 3(a) and omit Condition 3(b), the Board noted the inspector's recommended mitigation to provide a privacy screen 2 metres high x 1 metre in length extending from the rear elevation along the shared property boundary with number 175 (adjoining rear development site to the east). The Board was not satisfied that this in itself would sufficiently address the issues of overlooking, noise, nuisance and

disturbance for the residential amenity of the future occupants of the neighbouring houses, given the nature and scale of the stairs landing which has the potential to function as a terrace. As the Board decided to direct the omission of the external stairs (Condition 3(a)), the Board was then satisfied that the external door (and a window the size and scale of a door) at first floor level should be replaced with the modest windows proposed with and granted permission under the original proposal. (Reg. Ref: WEB 1378/24) and hence directed the attachment of Condition 3 (a) and (b), both in the interest of protecting residential amenity of future neighbouring occupants.



Patricia Calleary

**Member of An Bord Pleanála**

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

Dated this *07* day of *June* 2025