



**AN BORD PLEANÁLA**  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_  
02 JUL 2019 DoH  
Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: 15:45 By: hand

Knockaburra,  
199B Strand Rd  
Merrion,  
Dublin 4.  
DO4F2H4.

Stephen Deighan,  
An Bord Pleanála,  
64 Marlborough St.,  
Dublin 1.

01.07.2019

Re: Construction to the rear of Florence House 199 Strand Road,  
Merrion, Dublin 4. ABP Ref. 304362-19

Dear Mr. Deighan,

I would refer to your letter of 12<sup>th</sup> June 2019 enclosing a copy of a submission from Hughes Planning and Development Consultants on behalf of the owner/occupier of Florence House, Brian Mc Gettigan.

I do not propose to set out again the major negative impacts on my home which the extension to Florence House is causing, or the significant loss of residential amenity which has resulted.

A basic tenet of modern life is to rely on past experience as a guide in determining the future. This is relevant in all walks of life including Town Planning & Development.

My main point is that when an extension of the current size was first proposed in this location (Ref 1091/08), as noted in my referral letter to An Bord Pleanála dated 20.01.2009, I submitted an objection to

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the planning authority. In its decision the planning authority, by way of a condition, reduced the extent of the extension by 1.5m so that it would project only 4 metres from the rear of Florence House.

On appeal An Bord Pleanála omitted the entire first floor element of the extension and denied access to the flat roof of the now to be single storey extension – ‘in the interest of residential amenity’.

From my perspective I was happy that my residential amenity was protected by the decision of ABP (which is the ultimate arbiter on planning matters), as I then thought, for all time.

The most recent claim of ‘Exempted Development’ for the extension is in my view not valid and flies in the face of using past experience as a guide to determining the future.

The restrictions on exemption set out in the Regulations state that development that would otherwise be exempted due to its size and location, is not exempt if it ‘contravenes a condition attached to a permission under the Act. (Planning and Development Regulations 2001, as amended, Article 9 (1) (a) (i) ).

The Regulation does not state that the permission has to be a live one.

The fact is that An Bord Pleanála determined that the extension as proposed would negatively impact on my residential amenity and removed the offending first storey. That determination should stand the test of time – THE IMPACT OF THE EXTENSION IS NO DIFFERENT OR LESS SERIOUS A NUMBER OF YEARS LATER.



The view taken by the Planning Authority that the condition is no longer relevant, because the permission is time expired, undermines and discredits the determination of the matter by An Bord Pleanála. The determination thus becomes meaningless, and also, the protection of my residential amenity which was put in place by the decision of An Bord Pleanála, and which should not be time limited, is set at naught.

In my opinion I should be entitled to rely on the decision of An Bord Pleanála in the case of 1091/08. A condition was imposed which removed the offending extension from the permission. This condition brings the development within the ambit of the restriction on exemption set out in Article 9 (1) (a) (i) of the Regulations. A similar proposal submitted some years later should therefore be determined as not being exempted development.

I would ask An Bord Pleanála to take a consistent approach to this matter and determine that the development is not exempted development as it would contravene a condition attached to a permission under the Act.

Yours sincerely,

  
Richard Crowe.



