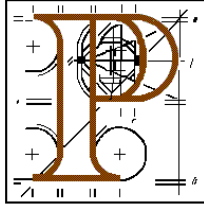


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Fingal County

Planning Register Reference Number: F14A/0376

An Bord Pleanála Reference Number: PL 06F.244433

APPEAL by O'Dwyer and Associates Architects of 8 Townyard House, Townyard Lane, Malahide, County Dublin against the decision made on the 14th day of January, 2015 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a four bedroom, two-storey dormer bungalow, with septic tank and percolation area, and associated site works, all at Rockport, Streamstown Lane, Streamstown, Malahide, County 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 2 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to-

- (a) the Fingal County Development Plan 2011 – 2017;
- (b) the Streamstown Local Area Plan, 2009 (LAP);
- (c) the east/west orientation of 'House Number 1' 'Rockport House' with the private open space associated with that dwelling to its rear/east;
- (d) the north/south orientation of the proposed dwelling and its layout relative to 'House Number 1'; and
- (e) the first floor windows on the east elevation of 'House Number 2' permitted on foot of planning register reference number F09A/0236,

the Board considered that condition number 2 is not necessary to protect the residential amenities of the neighbouring property and should be omitted.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2015.