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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19B/0245**

**APPEAL** by John Redmond of 23 Boroimhe Hazel, Swords, County Dublin against the decision made on the 15<sup>th</sup> day of November, 2019 by Fingal County Council to refuse permission.

**Proposed Development:** Retention of an entrance door to the side of the new works instead of window, and retention of a one number bedroom flat to the side/rear of the existing house and all ancillary works. New one number bedroom flat to be called 23a Boroimhe Hazel, all at 23 Boroimhe Hazel, Swords, County. Dublin.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **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.

## **Reasons and Considerations**

1. Having regard to the restricted floor area of the flat/apartment unit for which retention is sought, its design, layout and orientation including position relative to surrounding properties (specifically the extension at number 24 Boroimhe Hazel), fenestration to habitable rooms, the subdivision of the private amenity space on the overall site and the significantly reduced area of private amenity space to the house at number 23 Boroimhe Hazel, it is considered that the proposed retention of the development would result in a poor quality of residential layout that would have a negative impact on the residential amenities of occupants of both the residential unit for which retention is sought and the original house at number 23. The development proposed for retention would, therefore, be contrary to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018 with regard to the floor area and layout of the flat/apartment for retention, would be contrary to the provisions of the Fingal Development Plan, 2017-2023 regarding private amenity space for houses, and overall would be such as to seriously injure the amenities of the area and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. The proposed development would materially contravene a condition attached to an existing permission for development, being condition number 3 of planning register reference number F18B/0111 which permitted the extension in which the flat/apartment for which retention is sought is located on the basis that the dwelling at number 23 Boroimhe Hazel would be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the suburban location of the site and its location relative to public transport routes, to the current restricted availability of car parking in the Boroimhe Hazel development and the observed evidence of significant parking congestion and demand in the vicinity of the site, together with the lack of clarity regarding dedicated car parking provision for the existing extended three bedroom house at number 23 Boroimhe Hazel, it is considered that the lack of parking provision for the apartment for which retention is sought would exacerbate the current parking issues in the vicinity of the site and lead to serious congestion in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this                      day of                      2020.**