

An  
Bord  
Pleanála

**Board Direction**  
**BD-017172-24**  
**ABP-319101-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/08/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with zoning objective for the site as set out in the Fingal Development Plan 2023-2029, would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that there were material differences between the structure subject of the appeal and the structure subject of the decision under planning reg. ref. ABP-316193-23 on a site south-east of the appeal site. The scale, height, design and site levels relative to ground levels of adjoining properties, of the proposed development, differ materially from the development subject of ABP-316193-23. The Board was satisfied that the structure subject of the appeal would not be visually incongruous and would not constitute a dominant feature. It would not lead to overlooking of adjoining properties nor be overbearing on those properties.

## **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The garden shed/exercise room shall be for domestic related uses only, ancillary to the use of the existing dwelling on the application site. These uses shall be as indicated in the plans and particulars submitted to the planning authority at application stage (i.e. shed and home gym use only) and shall not be used for human habitation.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

3. Within 6 months of the date of this Order, the existing timber shed on the site shall be demolished and removed as indicated in plans and particulars submitted to the planning authority at application stage.

**Reason:** To mitigate the loss of private open space to serve the dwelling on the site arising out of the provision of the garden shed/exercise room.

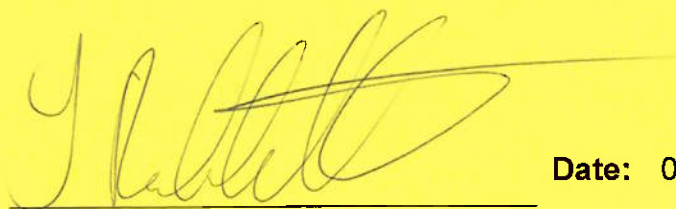
4. The garden shed/exercise room shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling on the site.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

  
Tom Rabbette

**Date:** 06/08/2024