



Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0314

Appeal by Willie Guerin (Calabash Investments Limited) care of ODKM Architects of 39 Fitzwilliam Street Upper, Dublin against the decision made on the 14th day of September, 2017 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of a 37 square metres two-storey section to the side, the 11 square metres single storey extension to the rear, the 17 square metres sun room to the rear of the existing dwelling and 26 square metres of single storey sheds to the rear, (b) construction of a 34 square metres single storey extension to the rear, internal reconfiguration, elevational alterations and a full refurbishment of the existing dwelling including all associated site works, (c) construction of a 221 square metres part two-storey/part single storey detached four bedroom dwelling (in total) with the attic providing 44 square metres of that area which accommodates the fourth bedroom, (d) a new pedestrian entrance to the side of the existing vehicular entrance which will provide vehicular access to the new dwelling, the blocking up of the existing pedestrian entrance and new vehicular entrance with the provision of a pedestrian entrance to the side of it to provide access to the existing dwelling, and (e) all associated site works, at 1 Grove Avenue, 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 4 and the reason therefor.

Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2017-2023, to the location of the proposed development on a corner site, to the pattern of development in the area, and to the quality of the contemporary design proposed including its height, finishes and massing, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Board did not concur with the Inspector's recommendation to amend condition number 4 to reduce the depth of the dwelling and remove the elongated roof light. It considered that the depth of the dwelling was acceptable given the corner location and size of the site and that the elongated window would not be injurious to the visual amenities of the area.

