

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Fingal County Council**

**Planning Register Reference Number: F17A/0155**

An Bord Pleanála Reference Number: ABP-300234-17

**Appeal** by Ann Charleton and others of 24 The Rise, Malahide, County Dublin and by Deirdre Rochford care of Evan Duggan Associates of 29 Fitzwilliam Street Upper, Dublin against the decision made on the 25<sup>th</sup> day of October, 2017 by Fingal County Council to grant subject to conditions a permission to Bernard and Jaci McDonagh care of EM Hogan and Associates of 4 Hanlon's Lane, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey dwelling on site located to the rear garden of existing house "Silverdale" and a vehicular entrance from The Rise, located to rear of Silverdale, The Mall, Malahide, County Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

The Board had regard to the zoning of the site, the modest nature and scale of the proposed design, and the proposed use of new and existing boundary trees and hedging to provide adequate screening to the site. Notwithstanding, that the building line is forward of that of 'The Rise', it is set back from the building line of 'Silverdale' and would have low visual impact from the Mall. 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 to refuse permission, the Board considered that the development was consistent with the Town Centre Zoning Objective, was modest in nature, of low visual impact and would not adversely affect the character of the 'Malahide Historic Core' Architectural Conservation Area and the adjoining 'Malahide The Rise' Architectural Conservation Area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of July, 2017 and the 29<sup>th</sup> day of September, 2017, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, details of the external finishes of the proposed dwelling. This shall include gates and pillars to the proposed house, which shall match existing pillars on The Rise in height, dimension, brick colour, brick course and capping. The gates shall be of metal bar, reflect existing patterns evident on the rise and shall not be solid.

**Reason:** In the interest of visual amenity.

3. The entire premises shall 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.

**Reason:** In the interest of clarity and to ensure proper planning and sustainable development.

4. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity.

5. Details of the boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. 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.

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

**Dated this            day of            2018**