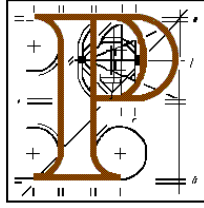


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Fingal County Council

**Planning Register Reference Number: F17A/0598**

An Bord Pleanála Reference Number: ABP-300532-17

**Appeal** by Star Street Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 27<sup>th</sup> day of November, 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) Retention of piers/gates associated with proposed new recessed vehicular entrance, paved BBQ terrace, part built garden structure and demolition of existing sheds and courtyard walls to rear; (b) partial demolition of existing house structures; (c) alterations to existing front bay window to include provision of new first floor bay window extension with pitched roof over; (d) alterations to existing house to include internal alterations, new fenestration and external wall finishes; (e) construction of a part one, part two storey extension to the rear and side of existing house; (f) conversion of existing side garage to ancillary residential accommodation; (g) replacement of existing side bay window with a two storey bay window with pitched roof over; (h) construction of a single storey two bedroom garden structure with flat roof; (i) alterations to the existing entrance to include widening of vehicular access gates and provision of new recessed entrance piers and gates and (j) all associated site works at The Presbytery, 1 Thormanby Road, Howth, County Dublin (an Architectural Conservation Area).

## **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 ATTACH condition number 3(a), 3(c), 3(e) and 3(f) and the reason therefor and to AMEND condition 7 number so that it shall be as follows for the reason set out.**

## **Reasons and Considerations**

Having regard to the location of the site within the Nashville Road and Park Architectural Conservation Area, the historic pattern of development in the vicinity of the site, including the access arrangements and boundary treatments of dwellings in the vicinity and the distinctive character of the area, it is considered that the conditions imposed by the planning authority were warranted in the interests of visual and residential amenity and protection of architectural heritage, and that the inclusion of these conditions was justifiable and reasonable. It was further considered that while the provision of a tree survey and associated studies were not warranted give the current lack of trees with the site, a landscaping plan incorporating replacement tree planting should be submitted to the planning authority for agreement in the interests of visual amenity, and that condition number 7 should be amended accordingly.

In not agreeing with the Inspector's recommendation regarding the proposed bay window on the northern elevation (condition number 3(c)), the Board considered that the alteration proposed would not be sympathetic to the existing building (in particular the existing roof/eave detail) and that the proposed extended floor area was not essential for the amenities of the rooms concerned. Given the sensitive site context, the condition was considered justified.

## **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.

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

**Dated this      day of                                      2018**