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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0357**

**Appeal** by Johnny and Emily Grimes of 20 Seamount Abbey, Malahide, County Dublin against the decision made on the 17<sup>th</sup> day of August, 2018 by Fingal County Council to grant subject to conditions a permission to Ballymore Central Limited care of Kieran Rush of Fonthill House, Old Lucan Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of minor revisions to the internal layouts and elevations to 13 number houses (houses 1 to 11, 39 and 40), the addition of sunrooms to the rear of 12 number houses (houses 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 39 and 40) and the change of house type from House Type A (four bedroom, two-storey detached) to House Type E (four bedroom, two-storey, detached, split level) for house number 40. These houses are previously permitted under planning permission granted under register reference number F14A/0106, all at Seamount Rise, Accessed from Seamount Abbey, Off Seamount Road, 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**

Having regard to the provisions of the Fingal County Development Plan 2017-2023, to the planning history of the site and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be 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 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. The applicant shall comply with all conditions attached to the previous parent permission granted under planning register reference number F14A/0106, An Bord Pleanála Reference number PL 06F.244128, except as may otherwise be required in order to comply with the conditions attached to this permission.

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

3. 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.

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

**Dated this            day of            2019.**