



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18B/0084.**

**Appeal** by Christina Eremia care of Hamilton Young Architects of Frederick Street South, Dublin against the decision made on the 7<sup>th</sup> day of September, 2018 by Fingal County Council in relation to the application for permission for development comprising retention of garage conversion and porch to the front and kitchen extension at ground floor and shower room extension at first floor to rear, together with granny flat and sunroom and associated works in the rear garden at 23 Cruise Park Drive, Tyrellstown, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of the garage conversion, kitchen extension, porch, first floor shower room extension and sunroom and to refuse permission for retention of the granny flat).

**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 nature and scale of the development proposed for retention and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained 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 in accordance with the agreed particulars.

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

2. The development to be retained shall be amended as follows:
- (a) The granny flat building shall be solely used for storage purposes incidental to the main dwellinghouse.
  
  - (b) The kitchen and shower facilities shall be removed from within the granny flat building.
  
  - (c) The height of the granny flat building shall be reduced to a maximum of 2.1 metres.

Revised drawings showing compliance with these requirements shall be submitted within two months of the date of this Order to the planning authority for written agreement. All works shall be carried out within a further three months of the date of agreement with the planning authority.

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

3. The existing dwelling and development to be retained, including the sunroom and storage building, shall be jointly occupied as a single residential unit and no part of the dwelling or ancillary structures shall be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

5. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

6. The developer shall pay to the planning authority a financial contribution of €1,925 (one thousand nine hundred and twenty-five euro) 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 the 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. The application of any indexation required by this condition 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.

**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.

---

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

**Dated this            day of            2018.**