



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0509

APPEAL by Marcus Sung care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 30th day of October, 2018 by Fingal County Council to refuse permission.

Proposed Development: Demolition of the existing two-storey restaurant and the construction of a new restaurant and 9 number residential units and associated 21 number car parking spaces, across lower ground to second floor. All with associated landscaping, boundary treatments, bin storage, bike storage, external terrace seating areas, signage and site works at Silks Restaurant, The Mall, Malahide, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The proposed development is located in an Architectural Conservation Area. The Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011 provide that the scale of new structures in an Architectural Conservation Area should be appropriate to the general scale of the area and not its biggest buildings. It is considered that, by reason of its scale and design, the proposed development would conflict with the character of the Architectural Conservation Area, is considered visually incongruous in the streetscape and constitutes overdevelopment of the site. The proposed development would, therefore, conflict with the provisions of the said Guidelines and the guidance set out in the current Fingal County Development Plan 2017-2023 in Table 12.11 and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, design and proximity of the development to the eastern and southern boundaries of the site, it is considered that the proposed development would seriously injure the amenities of the adjoining properties by reason of overshadowing and overbearing impacts. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development due to the inadequate separation distance between blocks would result in significant internal overshadowing to the proposed residential

units and communal open space and provide for a substandard level of residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.