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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0768**

**Appeal** by Mary Taylor care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 10<sup>th</sup> day of June, 2019 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** An extension and refurbishment of the existing dwelling as follows: (a) internal reconfiguration/alterations of existing layout at lower ground floor, ground floor and first floor level to facilitate the construction of a new residential extension with an overall floor area of 131 square metres. The proposed extension will include the provision of a domestic storage, garden storage, plant room, garage, entrance hall, mud room, utility, WC, kitchen, master bedroom with associated master living area, and two number en-suite bedrooms. The proposed development will not result in an increase to the overall roof height. (b) External alterations as part of the development will include: (i) provision of an external terrace at ground floor level, (ii) external stairway, and (iii) façade changes inclusive of fenestration revisions to all principal elevations. (c) There are no works proposed to the wastewater treatment system approved under planning register reference number F17A/0434. The development includes landscaping, boundary

treatment, on-curtilage car parking, SuDs water drainage and all ancillary works necessary to facilitate the development. The proposed extension and associated alterations will result in the provision of an additional bedroom to 'Glenlion Pines', thereby increasing the dwelling from a five bedroom dwelling to a six bedroom dwelling, all at 'Glenlion Pines', Thormanby Road, Howth, 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 scale and design of the proposed development, the setting of the dwelling which is not highly visible from the surrounding area and the residential zoning of the site, it is considered, subject to the conditions set out below, that the proposed development would not detract from the landscape character of the area or protected views from public roads and footpaths and would be in accordance with the policies and objectives of the Fingal County Development Plan 2017 - 2023 and the Howth Special Amenity

Area Order 1999. 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, as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of May, 2019, 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. 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.

3. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security,

or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of the trees on the site.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

6. 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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**Paul Hyde**

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

**Dated this            day of            2019.**