



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0333

Appeal by Jon Paul and Karen Harrington care of Dermot Bannon Architects of 16 The Seapoint Building, 44/45 Clontarf Road, Dublin against the decision made on the 23rd day of September, 2019 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) Partial demolition of the existing residential structure to rear and side and demolition of the existing storage sheds to the rear. (b) Extension and alterations to existing residential house to include new fenestration. (c) The construction of a two-storey hipped roof extension to the side of the existing residential house. (d) The construction of a two-storey flat roof extension to the rear of the existing residence. (e) Provision of velux type rooflight windows. (f) Replacement and relocation of the existing piers and gate to facilitate wider driveway entrance and provision of a new gate and dropped kerb to public footpath. (g) All associated site works including tree removal to front garden, all at 31 Yellow Walls Road, Malahide, County Dublin.

Decision

Having regard to the nature of the conditions 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 REMOVE conditions numbers 2 and 3 and the reasons therefor and AMEND condition number 1 so that it shall be as follows for the reason set out.

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 received by An Bord Pleanála on the 18th day of October, 2019 and the 16th day of December, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development and the existing pattern of development in the area, it is considered that the height of the proposed rear extension, which is not visible from the public roads, and the introduction of a second door to the front elevation, which provides access to the rear garden via the utility and side passageway, would not seriously injure the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Paul Hyde

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

Dated this day of 2020.