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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19B/0080**

**Appeal** by Brendan Keegan of Dunhill View, Upper Cliff Road, Howth, County Dublin against the decision made on the 5<sup>th</sup> day of November, 2019 by Fingal County Council to grant subject to conditions a permission to Patrick O'Reilly care of De Blacam and Meagher of 4 Saint Catherine's Lane West, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a new single-storey extension to the rear of existing house and associated site works, all at Heather Cottage, Upper Cliff 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 character of the established dwelling and the planning history of the subject site, to the distance from the neighbouring property and the screening provided, it is considered that the proposed single storey rear extension would not in the particular circumstances of this case be out of character with the existing development, would not detract from the landscape character of the area or of protected views. The proposed development would not seriously injure the visual amenities of the area, would be in accordance with the provisions of the Fingal Development Plan 2017-2023 and the Howth Special Amenity Area Order 1999 and 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 17<sup>th</sup> day of October, 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. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not 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.

3. The proposed studio use shall be solely for the personal use of the applicant and shall not include any furnace or forge. It shall not be open to the public.

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

4. The external finishes of the extension shall match those of the existing dwelling.

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

5. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The applicant shall implement the mitigation measures, as specified in the screening report and the Natura impact statement submitted to the planning authority on the 17<sup>th</sup> day of October, 2019.

**Reason:** In the interests of the proper planning and sustainable development of the area and in the context of the site's location within the Howth Head Special Area of Conservation.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no walls, fences or railings shall be erected on any part of the boundary of the site or dwelling curtilage.

**Reason:** In the interest of visual amenity and in the context of the site's location within the Howth Head Special Area of Conservation.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and traffic management measures and off-site disposal of construction/demolition waste and hours of operation.

**Reason:** In the interests of public safety and the amenities of the area.

9. 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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**Maria FitzGerald**

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

**Dated this            day of            2020.**