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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0447**

**Appeal** by Patrick O’Sullivan care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 15<sup>th</sup> day of November, 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:** Retention of alterations to previously approved development (planning register reference number F16A/0225) for (i) demolition of 34 square metres car port, located adjacent to the front boundary with Thormanby Road and construction of a 2.25 metres high, 32 square metres, replacement green-roofed car port to accommodate two number cars to front (north) of approved dwelling, (ii) works to the front of the approved dwelling to accommodate level access at ground floor comprising the lowering of the ground level, reconfiguration of the driveway, retaining walls and landscaping and internal alterations to ground-floor layout, (iii) alterations to fenestration details at ground floor level including reduction in bay window on east elevation (serving approved dining room), provision of bay window on west elevation (serving approved living room), provision of two number new windows on north elevation (serving approved TV room), removal of previously approved window on east elevation and provision of one

number new corner window on north/east elevation (serving approved play room) and provision of two number new windows on north elevation (serving approved utility/boot room), and (iv) 94 square metres extension to basement level, incorporating three number sliding doors (serving gym, lower landing and games room) and one number door (serving garden store) on southern elevation. No changes have occurred to the ridge/eaves height of the approved dwelling. The proposal also includes boundary treatment, landscaping, and all ancillary works necessary to facilitate the development, all at Carnalea, Thormanby Road, Howth, County Dublin.

## **Decision**

**Having regard to the nature of the condition 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 condition number 4 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the 'Residential' zoning of this part of the site, to the planning history of the subject site, including the construction of the dwelling, to the distance from the neighbouring property and the screen planting along the western boundary, it is considered that the retention of the bay window on the western elevation would not, in the particular circumstances of this case, be out of character with existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Fingal Development Plan 2017-2023. Therefore, the omission of condition number 4 of planning register reference number

F19A/0447, would 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.

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**John Connolly**

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

**Dated this            day of            2020.**