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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0448**

**APPEAL** by Alison and Derry Kealy care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 15<sup>th</sup> day of January, 2020 by Fingal County Council to refuse permission to the said Alison and Derry Kealy.

**Proposed Development** (i) Extension and refurbishment of the building incorporating the renovation of the front elevation, the re-instatement of the hipped roof on all elevations and one number rooflight; (ii) change of use from residential to restaurant use; (iii) demolition of the non-original single and two-storey extensions to the side and rear of the main dwelling, including sunroom and demolition of the existing single storey ancillary garage; (iv) provision of external terrace at ground level on the eastern elevation of the building; (v) new vehicular exit gate and circulation route; (vi) 13 number vehicular parking spaces (one number disabled parking space) and 10 number bicycle parking spaces; (vii) landscaping, tree planting, SuDS drainage, signage and all ancillary works necessary to facilitate the development, all at 'North Lodge', Strand Road, Carrickhill, Portmarnock, 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 site is located within the Outer Public Safety Zone for Dublin Airport in which the provision of restaurant/leisure facilities are limited to densities of less than or equal to 85 persons per half hectare development. The applicant is seeking permission for the provision of a restaurant facility which would provide for 55 covers equating to a density of 110 persons per half hectare. Furthermore, this figure does not take cognisance of the number of staff employed to cater for the running of the restaurant, which would, when added to the figure of 110, increase the density further over that stipulated in the Environmental Resources Management (ERM) Report. As such, it is considered that the proposed development is excessive in scale, would contravene Objective DA07 and Objective DA13 of the Fingal Development Plan 2017-2023, would not be in accordance with Table 6.1 of the ERM Report and would not be in accordance with the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and the appeal and in the absence of a Natura impact statement the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European site numbers 000205 and 004025, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.
  
3. The site is located in an area where the zoning objective "HA", High Amenity, applies. Protecting and enhancing these areas by protecting highly sensitive and scenic locations from inappropriate development and reinforcing their character, distinctiveness and sense of place is the primary objective, but in recognition of the amenity potential, opportunities to increase public access will be explored. Although restaurant/café is a permissible use subject to being ancillary to tourism uses or conversion of a protected or vernacular structure, the proposed development does not involve the conversion of either a protected structure or a vernacular structure, neither would it be ancillary to tourism use that would reinforce the character, distinctiveness or sense of place of the area, or increase amenity potential or public access.

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

**Dated this                      day of                      2020.**