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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20B/0018**

**Appeal** by John McConnell and Caroline Brennan care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 24<sup>th</sup> day of March, 2020 by Fingal County Council to grant subject to conditions a permission to Andrea and Des Butler care of Ray Walsh of Moyrath, Kildalkey, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The retention of construction amendments to dwelling. Amendments consist of increase in height of flat roof over single storey attached building with napp plaster wall finish and provision of additional extension to side of dwelling and other modifications at 35 Castle Avenue, Swords, 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 development for which retention is sought and to the pattern of existing development in the area, it is considered that the development for which retention is sought, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Fingal Development Plan 2017-2023. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in its entirety in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. No part of the development to be retained shall encroach on or oversail the adjoining property.

**Reason:** In the interest of clarity.

2. Within three months of the date of this Order, the applicant shall provide a revised drawing illustrating the provision of two number in-curtilage parking spaces for the written agreement of the planning authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. 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.

4. 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 within three months of the date of this Order 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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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2020.**