



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0018

Appeal by John and Caroline Tuohy care of Newmark Architects of 10 Newmarket Square, Dublin against the decision made on the 12th day of March, 2020 by Fingal County Council to refuse permission to the said John and Caroline Tuohy for development comprising amendments to development granted permission under planning register reference number F19A/0235 comprising (1) insertion of a window at first floor to side elevation with obscure glazing and vertical fin screen, (2) change finish of part of proposed extension to rear from render finish to brick, and (3) change dimensions of first floor window at rear elevation. Planning permission is also sought for addition of lantern rooflight to existing roof; all at 5 Muldowney Court, Malahide, County Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for (1) insertion of a window at first floor to side elevation with obscure glazing and vertical fin screen, (2) change finish of part of proposed extension to rear from render finish to brick, and (3) change dimensions of first floor window at rear elevation in accordance with the

said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for addition of lantern rooflight to existing roof based on the reasons and considerations marked (2) under.

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)

Having regard to the provisions of the Fingal County Development Plan 2017 to 2023, the residential zoning of the site and its setting, together with the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would, therefore, would 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, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The provision of the opaque glazing and timber fins in the side elevation shall be maintained thereafter in a manner consistent with the details agreed with the planning authority.

Reason: In the interest of visual amenity.

Reasons and Considerations (2)

Having regard to the location of number 5 Muldowney Court, in a residential streetscape characterised by its coherent and uniform design, built-form, massing and design, it is considered that the proposed roof lantern would result in a built insertion that would fail to respect and harmonise with its streetscape context, would be visually obtrusive in its setting and would establish an undesirable precedent for similar development in the vicinity. The proposed lantern rooflight would be contrary to Objective DMS44 as set out in the Fingal County Development Plan, 2017-2023, which only permits such interventions where no negative impact arises to the identified residential character of an area which has an identifiable residential character through its design which provides the area with a sense of place and distinctiveness. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020.