



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0228

Appeal by October Management Limited care of Brock McClure, Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 15th day of July, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Minor revisions to the previously permitted development granted under Register Reference F18A/0390 and further revised under Register Reference F19A/0297 to include the following: proposed entrance lobby at ground floor level; alterations and reconfiguration of the permitted penthouse and south and north facing balcony extensions at third floor level; extension to the permitted penthouse at fourth floor level and associated alterations at roof level; alterations to fenestration at ground and third floor levels. The total floor area will increase by circa 99 square metres. Provision of an ESB meter cabinet, minor alterations/relocation of bicycle storage, provision of one additional parking space and associated site development works and services provision. The remainder of the development is as per previous permissions Register References: F18A/0390 and F19A/0297 at a site of circa 0.2 hectares at the Former Oscar Taylor's Restaurant, Island View Hotel, Coast Road, Malahide, 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 zoning and planning history of the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area or of property in the vicinity. The proposed development 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, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under appeal reference number ABP-303314-18, and permission for amendments under planning register reference numbers F18A/0390 and F19A/0297, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. Opaque glazed screens 1.8 metres in height, shall be erected at the sides of the amalgamated rear and front balconies at third floor level. Revised drawings, showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Obscured glazing shall be provided to the side and rear elevations of the proposed development at fourth floor level. Revised drawings, showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. Water supply and drainage arrangements, including the disposal 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 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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020