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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20B/0111**

**Appeal** by John O’Callaghan of Laramar, 12 Seapark Hill, Malahide, County Dublin against the decision made on the 16<sup>th</sup> day of July, 2020 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Proposed ground floor rear balcony (12 square metres), (2) insertion of an access door from ground floor rear bay window to the proposed ground floor rear balcony, (3) remodelling of fenestration to ground floor rear bay window, and (4) all associated site works at Laramar, 12 Seapark Hill, Malahide, 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 **AMEND** condition number 2 so that it shall be as follows for the reason set out.

2. A privacy screen of 1.8 metres in height shall be provided along the entire western elevation of the balcony.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and to the existing pattern of development in the area, it is considered that the depth of the proposed balcony would not result in any additional and undue overlooking of adjoining properties to the east and would not seriously injure the amenities 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.

## **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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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this                    day of                    2020.**