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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW21B/0031**

**Appeal** by Ronny Hamid care of RS Consulting Engineers of 26a Maywood Lawn, Raheny, Dublin against the decision made on the 29<sup>th</sup> day of April, 2021 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey extension with apex roof and relocation of existing access gate to the rear wall along with a new window to the side elevation at ground floor. All at 38 Curragh Hall Green, Tyrellstown, Dublin.

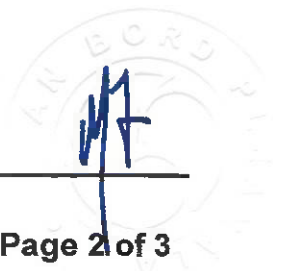
## **Decision**

Having regard to the nature of the conditions 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 REMOVE condition number 10 and the reason therefor and to AMEND condition number 2 so that it shall be as follows for the reasons set out.

2. The proposed development shall be amended as follows:
- (a) The depth of the permitted extension shall be limited to a maximum of seven metres when measured externally from the existing rear elevation of the dwelling on site.
  - (b) The internal layout of the permitted rear extension shall contain a maximum of one additional bedroom that shall be in accordance with the minimum room sizes set out at Table 12.3 of the current Fingal County Development Plan.
  - (c) No window to the south facing elevation in the permitted extension shall be located within less than one metre of the site boundary.

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.




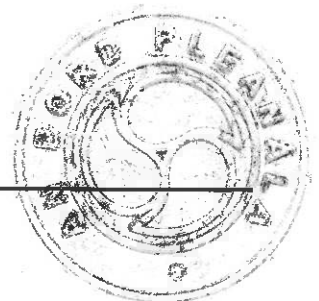
## Reasons and Considerations

Having regard to the form and scale of development on the site, to the context of the site and to the design and scale of the proposed development, it is considered that condition number 10 is unwarranted and that, subject to the amended condition number 2, the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Fingal County Development Plan 2017-2023. 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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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *18<sup>th</sup>* day of *August* 2021.