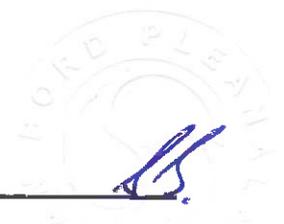


Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0189

Appeal by Yvonne O'Reilly care of Paul Sheehy of 4 Maywood Crescent, Raheny Dublin against the decision made on the 27th day of May, 2021 by Fingal County Council to refuse permission for development comprising (1) part demolition of an existing extension to the side of the existing dwelling with construction of a new single storey extension to the front and rear of the existing dwelling, (2) construction of a new single storey detached dwelling to the east side of the parent dwelling, (3) construction of a new part 2000 millimetres part 900 millimetres high front boundary wall along the entire northern boundary, with associated new vehicular access points, pillars and gates, exiting onto Parnell Cottages and (4) all associated SUDS drainage and site works, all at 18A Parnell Cottages, Malahide, County Dublin in accordance with the plans and particulars lodged with the said Council.



Decision

GRANT permission for part demolition of existing extension to side of existing dwelling, construction of single storey extension to the front and rear of existing dwelling and all associated site works including SuDS measures and 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 construction of a single storey, detached dwelling to east side of existing dwelling, construction of a part two metres and part 0.9 metre high front boundary wall along northern boundary, associated new vehicular access points, pillars and gates onto Parnell cottages and associated works, including SUDS measures 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 pattern of development in the area and the scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have any unacceptable impact on the character of the area or of the amenities of adjoining residential occupiers and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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.

Reason: In the interest of clarity.

2. 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, details of which shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

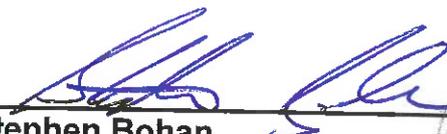
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid 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.

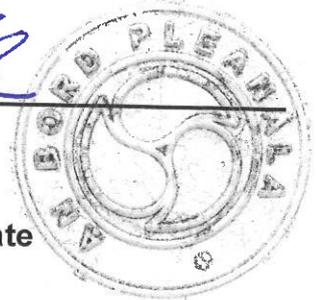


Reasons and Considerations (2)

The proposed development which is located on an infill plot within an Architectural Conservation Area constitutes overdevelopment of a restricted site, which would have an overbearing and dominant impact on adjoining residential property to the south and would result in a visually incongruent form of development within the Architectural Conservation Area, by reason of the incorporation of an angled monopitch roof section and the provision of a two metre high wall along the north (front) site boundary. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and to the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.


Stephen Bohan

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



Dated this 6th day of December 2021.