

An  
Bord  
Pleanála

Board Order  
ABP-312165-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5/062/21**

**WHEREAS** a question has arisen as to whether the request to regularise planning anomalies and to correct the flaw, both in procedure and interpretation, at Mallows, Healey's Lane, Portrane, County Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** David Murphy care of Liam Madden of Vitruvius Hibernicus, Convent Road, Longford requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 30<sup>th</sup> day of November, 2021 stating that the matter was development and was not exempted development:

**AND WHEREAS** David Murphy referred this declaration for review to An Bord Pleanála, on the 10<sup>th</sup> day of December, 2021:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 2, 3, 4(1) and 4 (4) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to those Regulations,
- (d) the nature and extent of the works carried out,
- (e) the planning history of the site, in particular An Bord Pleanála appeal reference number ABP-300822-18, and
- (f) the pattern of development in the area:

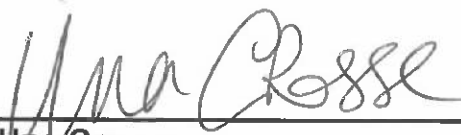
**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the works carried out to the exterior of the holiday chalet are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building,
- (b) the works carried out to the interior of the holiday chalet are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building, and

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- (c) the additional works to the holiday chalet including an extension, garage, greenhouse, boiler house and temporary accommodation for persons carrying out the works to the structure are of a nature and scale that materially affect the external appearance of the structure and render the building inconsistent with the scale and character of the original building:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the internal and external alterations and proposed permanent and temporary structures to the rear of the existing building at Mallows, Healey's Lane, Portrane, County Dublin is development and is not exempted development.

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

Dated this 23<sup>rd</sup> day of June 2023.

