



An
Bord
Pleanála

Board Order
ABP-312374-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21B/0354

Appeal by Gary and Samantha Hughes care of James M. Briscoe Architect of 68 Carrickhill Road, Portmarnock, County Dublin against the decision made on the 2nd day of December, 2021 by Fingal County Council to refuse a permission to Gary and Samantha Hughes for the proposed development.

Proposed Development: Retention permission for changes to planning application Register Reference F19B/0261. The retention relates to the projection from the rear building line of the first-floor extension by 900 millimetres and the ground floor by 1700 beyond that which was permitted, increasing the total floor area from 27.45 square metres to 34 square metres, all at 20 The Green, Melrose Park, Kinsealy, 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.

Reasons and Considerations

Having regard to the residential zoning of the site, as set out in the Fingal Development Plan 2017 - 2023, to the planning history of the site, to the extent of development to be retained and to the impacts on residential amenity of properties in the vicinity of the site, it is considered that the development proposed to be retained would not seriously injure the residential or visual amenities of the area. The development proposed to be retained would, therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. The external render shall be completed within six months of the date of this order.

Reason: In the interests of visual and residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

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 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 10th day of May 2022.

