

An  
Bord  
Pleanála

**Board Order  
ABP-313046-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0710**

**Appeal** by Lara Marlowe care of Paul Keogh Architects of Cathedral Court, New Street, Dublin against the decision made on the 23<sup>rd</sup> day of February, 2022 by Fingal County Council to grant subject to conditions a permission to Blanaid Ring care of Darrah Lynch Architects of Estuary House, New Street, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing shed, proposed new two-storey dwelling house and all associated site works at the site adjacent to 20 Abbey Street, Howth, County Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars for the reasons and considerations under and subject to the conditions set out below.**



## Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, including the residential amenities of property in the vicinity, would not adversely affect the architectural character of the area and would otherwise be consistent with the policies and objectives 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the residential zoning of the site under the Fingal County Development Plan 2017-2023, in which residential development is permitted, to the specific nature of the subject site and to the form and design of the proposed development.

## Conditions

1. The proposed development shall be carried out and completed 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

The logo of Fingal County Council is a circular emblem featuring a stylized sun or flower in the center, surrounded by the words 'FINGAL COUNTY COUNCIL' and '1994'. Below the logo is a handwritten signature in blue ink, which appears to be 'P. M.'.

2. The proposed dwelling house shall be amended as follows:
  - (a) The depth of the proposed dwelling house shall be reduced at ground floor level by three metres and at first floor level by 700 millimetres. As a result of these amendments, the rear elevation of the proposed dwelling shall match at ground floor and first floor.
  - (b) The first-floor terrace to the rear shall be omitted.

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.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, the use of the proposed dwelling house shall be restricted to use as a single dwelling unit, unless otherwise authorised by a prior grant of planning permission.

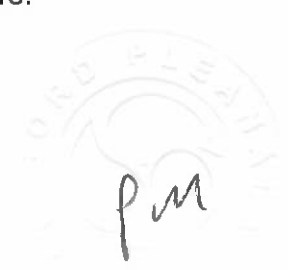
**Reason:** To protect the amenities of property in the vicinity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The proposed development shall not impact on the north-western boundary wall unless otherwise agreed by the adjoining neighbouring landowners.

**Reason:** In the interest of residential amenity.



6. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film shall not be permitted.

**Reason:** In the interest of residential amenity.

7. The developer shall comply with the following requirements:

- (a) Prior to commencement of development, the developer shall submit an approved SuDS (Sustainable Drainage System) based surface water drainage proposal, including design calculations, following the principles of and in compliance with the GDSDS (Greater Dublin Strategic Drainage Study, 2005).
- (b) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.
- (c) The surface water drainage proposal shall comply with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' Fingal County Council April 2006.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, 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 take place within the curtilage of the proposed dwelling house without a prior grant of planning permission.

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



10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

11. The developer shall comply with the following requirements:

- (a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials, including clay rubble or other debris, on adjoining roads during the course of construction works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.
- (b) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from construction works and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage.

**Reason:** To protect the amenities of the area.



12. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

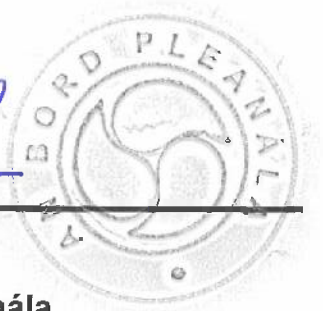
13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where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

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



14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 17<sup>th</sup> day of February, 2023.