



An
Bord
Pleanála

Board Order ABP 313381-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0051

Appeal by Caoimhin and Marie O'Laoi care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 24th day of March, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Planning permission is sought to omit condition numbers 5 and 8 of planning register reference number F20A/0135 which relate to works to a boundary wall that are outside the control and ownership of the applicant. Accordingly, permission is sought to omit the two number conditions. No works are proposed as part of this application all at Montebello, Asgard Road (corner site with Thormanby Road), Howth, 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 provisions of the Fingal Development Plan 2023-2029, including the RS objective for the site, the specific characteristics of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in the creation of a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application in particular drawing number P201001-PIN-XX-DR-0002-SI Revision P04, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Save for amendments granted on foot of this permission, the development shall otherwise be carried out in strict accordance with the terms and conditions of planning register reference number F20A/0135 save as may be required by other conditions attached hereto.

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



3. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the works to the existing boundary wall to Thormanby Road, comprising the provision of local stone cladding to a height of 1.2 metres or similar and render applied to the remaining portion. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Mary Henchy

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

Dated this 13 day of July 2023