



An
Bord
Pleanála

Board Order
ABP-317448-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0032

Appeal by Michael Rickard of 5 Grace O'Malley Road, Howth, County Dublin and by Tara Mullen and Alan Kelly care of Phillip Boyd and Associates of 12 Windsor Villas, Fairview, Dublin against the decision made on the 2nd day of June, 2023 by Fingal County Council to grant subject to conditions a permission to Tara Mullen and Alan Kelly in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a part one-storey and part two-storey extension at the side and rear of the house and a single-storey extension across the front of the dwelling. The works will also include all associated site and drainage works at 7 Grace O'Malley 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 pattern of development in the area, the number of existing properties within the immediate area which have been extended, and the need to protect the residential amenity of neighbouring properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 27th day of June, 2023, 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. Revised elevations, plans and sections shall be submitted for the written agreement of the planning authority prior to any development taking place, showing:-

- (i) the ground floor of the rear extension not extending beyond the extension to the rear of 5 Grace O'Malley Park,
- (ii) the first-floor extension to incorporate a modified first floor as shown on drawing 15-22-12 submitted to An Bord Pleanála on the 27th day of June 2023, and
- (iii) the extension to be set back 0.5 metres from the western boundary.

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

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

4. 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 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.

5. 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 the 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 the Board 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.



Una Crosse

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

Dated this *26th* day of *October* 2023.