



An
Bord
Pleanála

Board Order
ABP-317986-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0372

APPEAL by Tomella Limited care of Delahunty and Harley, Architects and Designers of 11A Sydney Terrace, Blackrock, County Dublin against the decision made on the 15th day of August, 2023 by Fingal County Council to refuse permission.

Proposed Development: Retention permission is sought for (a) Works to a protected structure (Recorded Protected Structure number 398); (b) the conversion of the attic into a single bedroom apartment at third floor level with newly constructed private stair access and the incorporation of two conservation rooflight to the front, four to the side overlooking Saint Margaret's Road and the relocation of two previously permitted rooflights to the rear; (c) the closing up of a side facing window at second floor level overlooking number 2 Killeen Terrace; (d) a reduction in height of two rear facing obscured sash windows at first floor level overlooking Feenagh House; (e) the inclusion of an access door from the newly constructed single storey extension to the rear; (f) the construction of a single storey plant room at the rear adjoining the boundary wall with number 2 Killeen Terrace; (g) modification of the rear boundary line and allocation of five square metres to Feenagh House; (h) the installation of a screened water tank, construction of

a generator and apartment storage unit and the erection of fencing to the side garden along Saint Margaret's Road; (i) the widening of an existing entrance to the rear along Saint Margaret's Road and installation of composite sliding gate; (j) minor internal layout deviations from permitted planning application register reference F19A/0524, at 1 Killeen Terrace, Main Street, Malahide, County Dublin; a protected structure (Recorded Protected Structure number 398).

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The Board considered that the development proposed to be retained is contrary to Objective HCAP12 of the Fingal Development Plan 2023-2029, in relation to protected structures, as a significant proportion of the works undertaken, particularly in relation to the non-built/external areas and when taken together, negatively affect the character and setting of the Protected Structure. The proposed retention of the development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board also considered that the alterations to the shared front garden area, which is now dominated by car parking, has eradicated the special character of this space which also contributes to the special character of the Malahide Historic Core Architectural Conservation Area, would be contrary to Objective HCA024 of the Fingal Development Plan 2023-2029 in this regard and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The cumulative effect of the placing of ad-hoc structures in a piecemeal manner within the site has also resulted in a lack of provision of private amenity space for the additional apartment as well as an overall reduction in both the quality and quantity private and communal open space to the detriment of the residential amenity of current and future occupants of the building. The development proposed to be retained would, therefore, contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the applicant had not overcome the reasons for refusal as set by the planning authority. The Board also noted the approved layout for the front garden area as set out in the parent permission of the planning authority, register reference F19A/0524.



Joe Boland

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

Dated this *28TH* day of *May* 2024.