

An
Bord
Pleanála

Board Order ABP-318707-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0328

Application for Leave to Appeal against the decision of the planning authority by Marian Moloney of St. Anne's, Seatown West, Swords, Co. Dublin having an interest in land adjoining the land in respect of which Fingal County Council decided on the 1st day of December, 2023 to grant subject to conditions a permission to Mary McCormack care of Donal McNally Architects of 6 White Swan Business Centre, Greenville Avenue, South Circular Road, Dublin.

Proposed Development: The adaptation of the existing dwelling house and the construction of a separate two storey, two-bedroom, end of terraced dwelling house (129 square metres) including all associated site and boundary development works at 78 Seatown Villas, Swords, Co. Dublin.

Decision


REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

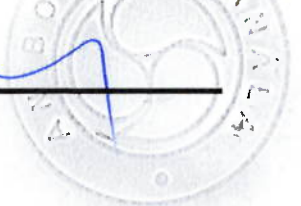
Reasons and Considerations

Under section 37(6) of the Planning and Development Act, as amended, the Board may, within four weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows that:

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject, and
- (ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

The applicant in this case contends that further information submitted to the planning authority on the 10th day of November 2023, resulted in a completely altered, larger development proposal than that originally applied for. The Board reviewed the revised drawings submitted at Further Information stage in response to the request from the planning authority, and which consist of a redesigned entrance porch for the new dwelling, in keeping with the existing front porches and openings in the terrace of dwellings. The Board considered the changes submitted to be relatively minor and that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject. The Board, therefore, decided to refuse the appeal.





Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 11th day of January 2024.