



An  
Bord  
Pleanála

**Board Order**  
**ABP-318885-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0422**

**Appeal** by Anne Kirwan care of RMLA Planning Consultants of Unit 3B, Santry Avenue Industrial Estate, Santry Avenue, Santry, Dublin against the decision made on the 13<sup>th</sup> day of December, 2023 by Fingal County Council to grant, subject to conditions, a permission to Peter Finnegan care of Wherity Chartered Surveyors Limited, Unit 4, Block 4, City North Business Campus, Stamullen, County Meath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The retention and completion of garage/shed and all associated site works located to the rear of the existing dwelling, a Protected Structure RPS Reference Number 0315, all at Drogheda Road, Corduff (Hackett), Lusk, 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 zoning which applies to the site under which residential development is stated to be generally acceptable in principle, and subject to compliance with the conditions set out below, the retention and completion of the garage/shed would be an appropriate form of development, which is ancillary to the existing dwelling, would not seriously injure the character or the visual amenities of the area, or the adjoining Protected Structure, and would not seriously injure the amenities of residential property in the vicinity. The development for retention and completion would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the local authority on the 17<sup>th</sup> day of November 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. The garage/shed shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial use or for human habitation.

**Reason:** In the interest of orderly development.

3. Details of the materials, colours, and textures of all the external finishes to the garage/shed structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

5. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.

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

7. The developer shall pay to the planning authority a financial contribution of 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 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. The application of any indexation required by this condition 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.

**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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Liam Bergin

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

Dated this 22<sup>nd</sup> day of 3-1-2024.