



An
Bord
Pleanála

Board Order ABP-318903-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0013

Appeal by Bernice and Rick De Neve care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 15th day of December, 2023 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing dormer bungalow, garage and outbuildings on site. Construction of a replacement five-bedroom residence over three floors with an attached carport with water feature over. Replacement of septic tank with treatment plant and percolation area. Surface water attenuation (SUDS), water conservation, hard and soft landscaping, car parking area, fencing, boundary walls and entrance gate along with all associated site development works, all at Up in the Air, Old Thormanby Road, Howth, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to **AMEND** condition number 2 so that it shall be as follows for the reason set out.

The Board, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 13 and directs the said Council to **ATTACH** condition number 13 and the reason therefor.

2. The privacy screen serving the terrace, circa 1.8 metres in height to the front elevation, shall be permanently fixed and shall be extended to wrap around the corner for circa two metres in length.

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

Reasons and Considerations

Having regard to the repositioning of the proposed house following a further information request, the established settlement character of the locality, which includes a variety of houses on large plots, including houses of contemporary design, and also taking account of existing tree cover, it is considered that condition number 2, requiring design amendments, should be amended.

With respect to condition number 13, the Board considered that the calculation of the financial contribution was correctly assessed in accordance with the terms of the Fingal County Council Development Contribution Scheme 2021-2025.


Liam Bergin

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

Dated this 17th day of July 2024.