



An  
Bord  
Pleanála

## Board Order ABP-318977-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0677**

**Appeal** by C. McDaid of 92 Dublin Road, Sutton, Dublin against the decision made on the 8<sup>th</sup> day of January, 2024 by Fingal County Council to grant subject to conditions a permission to LDC Developments Limited care of CWPA Planning and Architecture of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Revisions to previously approved planning permission under planning register reference number F22A/0469 (An Bord Pleanála reference number PL 06F.315139). The proposed revisions consist of amendments to approved apartments at third floor level comprising internal alterations to Apartment 22 to facilitate one number additional bedroom, modifications/extension to Apartment 24 to facilitate one number additional bedroom and the relocation of the living/kitchen/dining area with balcony to south, provision of two number additional bicycle parking spaces. The proposed amendments will increase Apartment 22 from a one to two-bedroom unit and Apartment 24 from a two to three-bedroom unit, all on lands located at the rear of The Elphin, 36 Baldoyle Road, Baldoyle, Dublin (now known as 'Binn Éadair Hall').

## 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 provisions of the Fingal County Development Plan 2023-2029, the location and planning history of the site, the nature, scale and layout of the proposed development, and the separation distances available between the proposed works and adjoining 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 adjoining properties, would provide an acceptable level of residential amenity for future occupants, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. Apart from any departures specifically authorised by this permission, the proposed development shall be carried out and completed in accordance with the terms and conditions of the permissions granted under An Bord Pleanála reference number ABP-309777-21 (planning register reference number F20A/715) and An Bord Pleanála reference number ABP-315139-22 (planning register reference number F22A/0469), and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. 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 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. 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 An Bord Pleanála 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.



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**Joe Boland**

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

Dated this 11<sup>TH</sup> day of

July

2024.