



An
Bord
Pleanála

Board Order ABP-319255-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0782

Appeal by Diana and Radu Sirbu care of Rogers Brassil Associates of 72 Albert Road Lower, Sandycove, Dún Laoghaire, County Dublin against the decision made on the 12th day of February, 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Construction of a rear, ground floor extension incorporating the existing non-habitable garden-room, with alterations to now make same habitable at 5 Dun Emer Green, 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 modest scale of the proposed development and the residential zoning objective and existing character of the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or adjoining properties, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The entire building shall be used as a single dwelling unit only and shall not be sub-divided into separate residential units apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended).

Reason: In the interest of clarity and to ensure proper planning and sustainable development.

3. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

4. 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 Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 the 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.



Paul Caprani

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

Dated this 1st day of October 2024