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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0314**

**Appeal** by Dara View Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin and by Ronny Maiti and Suzanne Donohue care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 22<sup>nd</sup> day of February, 2024 by Fingal County Council to grant subject to conditions a permission to the said Dara View Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of the existing building from office use to restaurant use over three floors and the conversion of 'The Rocket Shed' to ancillary kitchen facilities with associated plant. A number of alteration works are required to provide for the proposed restaurant use with works at lower ground floor, upper ground floor and first floor level, including the provision of glazed roofing at the rear of the structure over the existing terrace to provide a courtyard dining space and the construction of a new access staircase from courtyard to upper ground floor level. New development works extend to circa 58.5 square metres providing a total of circa 427.5 square metres of accommodation. The development will also comprise all necessary site development works, including fire and disabled access, plant, landscaping, lighting and replacement stainless steel wall mounted signage on the front elevation, all at 12 James's Terrace, Malahide,

County Dublin (a protected structure) and at 'The Rocket Shed', rear of 12 James's Terrace, Townyard Lane, Malahide, 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 location of the site in the town centre of Malahide, the 'TC' zoning objective of the site, and the relevant policies and objectives of the Fingal County Development Plan 2023-2028, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from office to restaurant would not seriously injure the residential amenities of the area or depreciate the value of property in the vicinity, would not negatively affect the character of the area, 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, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of January, 2024, 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. The public opening hours of the proposed development shall be confined to:
  - (a) Sunday to Thursday 1200 to 2300 hours.
  - (b) Friday and Saturday 1200 to 2330 hours.
  - (c) The glazed courtyard area 1200 to 2200 hours in accordance with the revised details received by the planning authority on the 26<sup>th</sup> day of January, 2024.

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

3. No external amplified music shall play within the curtilage of the site.

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



4. During the operational phase of the proposed development the noise level shall not exceed 55 dB(A) rated sound level between the hours of 0700 to 2300, and 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

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

**Reason:** In the interest of public health.

6. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) All works shall be carried out in accordance with best conservation practice.
- (b) The proposed development will be monitored by a suitably qualified architect with conservation expertise and accreditation.
- (c) Competent site supervision, project management and crafts personnel will be engaged and will be suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
- (a) A 1:20 drawing of the revised signage proposed on the front elevation.
  - (b) A 1:20 drawing of the wall and roof junctions between the proposed glazed structure and the external elevation of the protected structure.
  - (c) A sample of the proposed sliding sash windows to be agreed on site with the Conservation Officer.
  - (d) A full specification, including details of materials and methods, to ensure that the proposed development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.
  - (e) A methodology for the recording and/or retention of concealed features or fabric exposed during the works.
  - (f) Details of features to be temporarily removed/relocated during construction works and their final re-instatement.
  - (g) Details of materials/features of architectural interest to be salvaged.
  - (h) A detailed schedule and methodology of repairs to be carried out following inspection at close quarters.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0700 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

10. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a detailed servicing management plan in respect of deliveries and the collection of wastes from the premises. The plan shall include delivery and collection times, locations parking for service vehicles and routes of movement of products and wastes to and from the premises. Deliveries and collections shall not be permitted before 8am Mondays to Saturdays only, with no deliveries or collections permitted on Sundays.

**Reason:** In the interest of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution of €42,402.39 (forty-two thousand, four hundred and two euros and thirty-nine cents) 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.

**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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**Mary Henchy**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 18<sup>th</sup> day of July 2025.

