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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0344**

**Appeal** by Stephen Henry and Alison Rooney of 147 Ard Na Mara, Malahide, County Dublin against the decision made on the 4th day of June 2024 by Fingal County Council to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The provision of a dormer window and two number velux roof lights to the rear main roof slope including two number velux roof lights to the kitchen roof to the rear with internal modifications works at ground and first floor levels at 147 Ard Na Mara, Malahide, 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 to **AMEND** condition number 3 so that it shall be as follows for the reason set out.

3. Prior to commencement of development, revised plans and elevations shall be submitted for the written agreement of the planning authority demonstrating the following:
- (a) The proposed window on the northwestern elevation of the dormer shall have an internal cill height of no less than 1.7 metres above finished floor level.

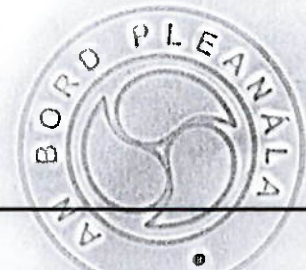
**REASON:** To protect the privacy and residential amenity of the neighbouring dwelling.

### **Reasons and Considerations**

Having regard to the location and context of the site, the provisions contained in Section 14.10.2.5 of the Fingal Development Plan 2023-2029 and the requirements of SPPR 1 of Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, it is considered that an amendment to Condition number 3 of the planning authority's decision, set out above, is in accordance with proper planning and sustainable development.

  
Declan Moore

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



Dated this 15<sup>th</sup> day of October 2024.