

An  
Bord  
Pleanála

## Board Order ABP-320105-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0185**

**Appeal** by Elizabeth Dolan of 2 Ross Cottages, New Street, Malahide, County Dublin and by Others against the decision made on the 14<sup>th</sup> day of June, 2024 by Fingal County Council to grant, subject to conditions, a permission to Gilbert and Wright Malahide Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Change of use of part of ground floor (70 square metres) of 2 Ross Terrace from shop to café/restaurant/wine bar; (ii) a ground floor extension (45 square metres) to the rear of numbers 1 and 2 Ross Terrace as part of the proposed café/restaurant/wine bar and store; (iii) development includes landscaping and fencing to the rear of the premises and all site development works at numbers 1 and 2 Ross Terrace, New Street, 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 provisions of the Fingal Development Plan 2023-2029, the location of the proposed development within the settlement boundary of Malahide on zoned Town Centre lands, the small scale nature of the proposal and the context of the overall appeal site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities neighbouring property, would not be prejudicial to public health, would not result in traffic hazard and would not unduly impact on the character of the Architectural Conservation Area in which it is located. The proposed development 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, as amended by the further plans and particulars received by the planning authority on the 23<sup>rd</sup> day of May 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2.
  - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
  - (b) All windows and roof lights shall be double-glazed and tightly fitting.
  - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The fire exit door from the rear of the extension to the outdoor space shall be closed and shall not be for the use of patrons or staff, except in the case of an emergency.

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

4. The hours of operation shall be between 0700 to 2300 Monday to Sunday.

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

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. 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.

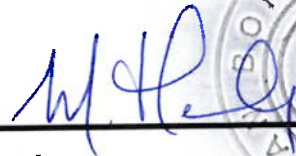
**Reason:** To prevent flooding and in the interests of sustainable drainage.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

7. 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 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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**Mary Henchy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 15<sup>th</sup> day of November 2024