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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0246**

**Appeal** by Jim Creegan of Suaimhneas, Dublin Road, Celbridge, County Kildare against the decision made on the 20<sup>th</sup> day of November 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:** Provision of suitable size roof lights and secondary means of escape window to north and south roof slopes for attic conversion already granted planning permission for habitable use (planning register reference number F23A/0137), all at 10 Boroimhe Elms, Swords, 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 2 so that it shall be as follows for the reason set out.

2. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, revised elevation, roof, and floor plans indicating the following:
- (a) The Cabrio window on the northern (rear) roof slope shall be omitted and replaced by one rooflight window.
  - (b) The southern (front) roof slope shall include one rooflight only, the details and location of which shall be agreed with the planning authority.
  - (c) Details of the external finishes, which shall be agreed with the planning authority.
  - (d) No light tunnels form part of this grant of permission.

**Reason** In the interest of visual amenity and in the interest of clarity.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the pattern of development in the area, it is considered that Condition 2, as amended, would achieve a reasonable balance between allowing light into the permitted habitable attic conversion, and protecting the residential and visual amenities of the neighbouring property and surrounding area, and would be in accordance with the proper planning and sustainable development of the area.

The Board disagreed with the Inspector that the proposed Cabrio window would not injure the residential and visual amenities of adjacent properties, or that it would set an unfavourable precedent. The Board shared the concerns of the planning authority that it would negatively impact on the character of the

roofscape, and that it would set an unfavourable precedent for similar development in the surrounding area.

The Board also considered, having regard to existing light tunnels which did not form part of the planning application, that the retention of an amended Condition 2(d) would be in the interest of clarity.



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**MaryRose McGovern**

**Member of An Bord Pleanála**

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

Dated this 25<sup>th</sup> day of April 2025.