



An
Bord
Pleanála

Board Order
ABP-321709-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0954E.

Appeal by Dhingra Gagan and Nisha John care of Tom Duffy Architects of 5A Collins Park, Donnycarney, Dublin against the decision made on the 13th day of December, 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Retention permission sought for single storey domestic extension, structures to side/rear and all associated site works at 38 Chapel Gate, Naul Road, Balbriggan, 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 nature, scale, location and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would comply with the zoning objective for the site, the Fingal Development Plan 2023 – 2029 in particular policy SPQHP41 (residential extensions), objective SPQH045 (domestic extensions) and section 14.10.2 (residential extensions), section 14.10.2.2 (side extensions), section 14.10.4 (garden rooms) and would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within three months from the final grant of retention permission, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.



3. (a) The boundary wall to the east adjoining number 37 Chapel Gate shall not exceed two metres in height.
- (b) The storage area to the western boundary shall be set back by one metre from the north (front) façade of the house.

Reason: In the interest of residential and visual amenity

3. The 'garden room' shall be for domestic related uses only, ancillary to the use of the existing dwelling on the application site. These uses shall be as indicated in the plans and particulars submitted to the planning authority at application stage and shall not be used for human habitation.

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

4. The 'garden room' shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling on the site.

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

5. 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.



Emer Maughan

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



Dated this 19th day of May 2025.