

An
Coimisiún
Pleanála

Commission Order
ABP-322043-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0419E

Appeal by Sam Nasar care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin and by Darragh Keogh care of Peter P. Gillett and Associates of 55 Glencarraig, Sutton, Dublin against the decision made on the 12th day of February, 2025 by Fingal County Council to grant subject to conditions a permission to Shirley and Ian Donnelly care of Michael Hetheron of Cogan Stret, Oldcastle, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for: (1) Raised floor level of dwelling as constructed. (2) Non-habitable storage and plant rooms below floor level of house. (3) Elevational variations and changes to the dwelling including balcony area and external steps and ramp. (4) All ancillary site works. This is in variance to grants of permission reference numbers: F15A/0414, PL/06F.246598, F15A/0414/E1. Planning permission for: (1) To revise the position and location of the entrance gates, and piers to form a deeper recess from roadway. (2) Ancillary site works on lands to the rear of 32B, Howth Road, Sutton, County Dublin as revised by the further public notices received by the planning authority on the 16th day of January, 2025.

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 residential zoning objective as set out in the Fingal Development Plan 2023-2029, to the planning history relating to the site context and pattern of development in the area, including separation distances to adjoining dwellings, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the residential amenities of surrounding property by reason of overlooking or otherwise, would provide for safe residential access, and would, therefore, be in accordance with the proper planning and development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans, particulars and specifications lodged with the application, and as amended by the further information submitted to the planning authority on the 19th day of December 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 development shall agree such details in writing with the planning authority within three months of the date of this order, where applicable and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The doors serving Bedroom 3, giving access on to the 'flat roof' area, shall be omitted, and replaced by a window, similar in size and design to that permitted under An Bord Pleanála reference number 06F.246598. No access from the dwelling on to the 'flat roof' from the dwelling for recreational purposes shall be permitted. Details of this amendment shall be submitted to, agreed in writing with, the planning authority within three months of the date of this Order, and the development shall be carried out within a further three months of the date of the written agreement.

Reason: In the interest of residential amenity.

3. Drainage arrangements, including disposal of surface water, shall be in accordance with the requirements of the planning authority.

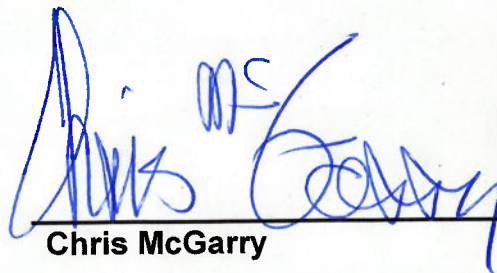
Reason: In the interests of sustainable drainage and public health.

4. The developer shall submit and agree in writing with the planning authority, a Tree Protection Plan and Arboriculture Method Statement indicating how the trees in proximity to the proposed entrance shall be retained and protected during construction.

Reason: In the interest of amenity.

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 Coimisiún 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.



Chris McGarry

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

Dated this 2nd day of July 2025

