



An
Bord
Pleanála

Board Order ABP-322087-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1170E

Appeal by David Hendrick and Aisling Curley care of Coughlan Consulting Engineering of Block 5, Western Parkway Business Park, Engineering House Unit 79, Ballymount Drive, Ballymount, Dublin against the decision made on the 18th day of February, 2025 by Fingal County Council to refuse permission.

Proposed Development: Retention of a stand-alone 1.5-storey-high annex office structure to the rear garden and all associated works. The ground floor consists of office space and storage space for the office at first floor. The sloping nature of the site results in the structure being single storey to the rear and 1.5-storey to the front of the unit. Rear access to the public road behind has been maintained, all at 6 Seaview Park, Portrane, County Dublin.

Decision

GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature of the development proposed to be retained, the proposed residential use on the site, the pattern and character of development in the vicinity, and the relevant policies of the Fingal County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be supported by policy including EE022 (home based activity) and Section 14.10.4 (Garden Rooms) of the development plan, would not detract from the residential amenities of either the main residence or of adjoining property. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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. This grant of planning permission is for the retention of a stand-alone 1.5-storey annex office in accordance with the details received by the planning authority on the 31st day of October, 2024.

Reason: In the interest of clarity.

3. The development proposed to be retained shall be amended by to removing the first floor, stairs and WC (ground floor) structural elements including partitions and making good after the removal. Plans to indicate the details of this condition shall be submitted to and agreed in writing with the planning authority within three months of this order.

Reason: To regulate the development so that the structure shall be used as a home office only and will not be used for sleeping or other residential accommodation.

4. (a) The development shall be used solely for home-based office use ancillary and subordinate to the use of the house and site as a dwelling unit and shall not be used for any other purpose.

(b) The structure shall not be used for living accommodation in any form and shall not be let or sold independently from the main dwelling.

Reason: In the interest of clarity, orderly development and residential amenity.

5. The hours of use of the office shall be only between the hours of 0800 to 2000 Mondays to Fridays, inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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 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.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 17th day of June 2025.