

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0029E

Appeal by Sean McDonagh and Julia Buckley care of Thorsdalen Smyth Architects Limited of 28 Beach View, Sutton, Dublin against the decision made on the 12th day of March, 2025 by Fingal County Council to refuse permission.

Proposed development: Construction of a part single storey and part two-storey flat-roofed rear extension and associated roof lights. Internal alterations to provide new open plan kitchen and dining space, downstairs shower room, utility, home office, and two additional first-floor bedrooms. All associated landscaping and boundary treatment works, drainage, ancillary site works and services, all at 59 Saint Lawrence O'Toole Avenue, Saint Anne's Square, Portmarnock, County Dublin.

Decision

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

Reasons and Considerations

Having regard to the residential land use zoning of the site, the established residential use on the site, the nature, scale and location of the proposed development, and the provisions of the Fingal Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with existing development in the area, would not be overbearing in relation to adjoining properties, would not result in undue overshadowing, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered that the amended scheme submitted with the grounds of appeal showed due regard to the receiving built environment at this location. The Commission considered that the amended scheme appropriately mitigated potential overbearance impacts and would not be visually dominant when viewed from neighbouring back gardens. The proposed extension significantly improves the residential amenity of the existing dwelling on the site, which is supported by the land use zoning objective and other policies and objectives of the Fingal Development Plan 2023-2029, without adversely impacting upon the neighbouring residential amenities.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by An Coimisiún Pleanála on the 4th day of April, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The extension, including the proposed finishes, shall be as indicated in the plans and particulars received by An Coimisiún Pleanála on the 4th day of April, 2025.

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

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

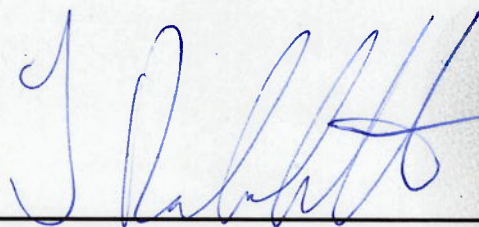
Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and shall not take place on Sundays or public holidays. Deviations from these times shall only be allowed in exceptional circumstances where prior written approval has been obtained from the planning authority.

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

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.



Tom Rabbette

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



Dated this 16th day of July 2025.