

An
Coimisiún
Pleanála

Commission Order
ABP-322449-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0119E

Appeal by Fred Wilson care of RK Consulting of Baldrumman House, Lusk, County Dublin against the decision made on the 9th day of April, 2025 by Fingal County Council to refuse permission.

Proposed Development: Demolition of the existing two-storey dwelling (219 square metres gross floorspace). Construction of a new two-storey dwelling (533 square metres gross floorspace). Proposed single storey outbuilding to rear of proposed new dwelling to comprise of a shed and gym associated with the proposed dwelling (43 square metres gross floorspace). All associated and ancillary works and site services, including hard and soft landscaping and boundary treatment, and in curtilage for two number car parking spaces, all at Glencorrib, Grove Road, Malahide, 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 whole of life report submitted with the appeal, the design of the existing structure, and the variety of house types in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed demolition of the existing house and the construction of a new house in this instance would be acceptable and would not contravene Policy CAP8 (Retrofitting and Reuse of Existing Buildings) of the Fingal Development Plan 2023-2029.

The Commission considered that, having regard to the existing relationship between the current dwelling on the site and adjoining properties, particularly the house to the south and the building line of the proposed house relative to the existing house, the site-specific design of the proposed dwelling, the size of the plot relative to the dwellinghouse proposed, and the mix of house types in the vicinity, the proposed new dwelling would not detract from the amenity of adjoining dwellings or the street scape, and 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 had regard to the totality of the documents submitted with the planning application and the appeal, including the Inspector's assessment, and having reviewed the design statement, site layout and floor plan, in the context of the wider neighbourhood, the Commission decided that the design of the proposed new house is site specific with the design taking particular regard of the amenity of adjoining property by stepping off the boundary and not detracting from the rear amenity space. The proposed new dwelling, while significantly larger than the structure on site, would be an appropriate design solution for the site.

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 further plans and particulars received by an Coimisiún Pleanála on the 6th day of May, 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 following surface water requirements shall be implemented in full:
 - (a) Prior to commencement of development, the site-specific infiltration rate shall be confirmed by way of testing, and the design of the soakaways shall be adjusted accordingly, if necessary.
 - (b) No surface water/rainwater shall discharge into the foul water system under any circumstances.
 - (c) The surface water drainage shall comply with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

Reason: In the interest of public health and surface water management.

3. The following traffic requirements shall be implemented in full:
- (a) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays at the vehicular entrance (as defined by DMURS/TII DN GEO-03060 (Current Edition)) exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility splays.
 - (b) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
 - (c) The maximum width of the new dished section of footpath/kerb shall be 4.000 metres.
 - (d) Any works to the public footpath and road carriageway to facilitate the proposed development, and any repairs to the public footpath and road carriageway necessary as a result of the proposed development, shall be at the expense of the developer and completed to the planning authority's standards for taking-in-charge and to the satisfaction of the planning authority.
 - (e) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location/depth, at the developer's own expense and according to the specifications and conditions of the relevant utility service provider/service owner/statutory undertaker.
 - (f) The developer shall ensure that all necessary measures are taken to prevent the spillage or deposit of any materials, including clay, rubble or other debris, on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.

- (g) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the planning authority.

Reason: In the interest of traffic safety and orderly development.

4. (a) In accordance with the Fingal Biodiversity Action Plan 2023-2030 and the National Biodiversity Plan 2023-2030, to preserve ecological connectivity and integrity within urban and rural landscapes, no hedge or tree works shall occur between the 1st day of March and the 31st day of August, inclusive, of any year. These works shall include cutting, burning, grubbing, or otherwise destroying vegetation growing within any hedge or ditch during the period stated.
- (b) The proposed planting of a row of Yew tree (*Taxus baccata* 'Fastigiata') along the southern and eastern boundaries in compensation for the loss of *Cuprocyparis leylandii* trees shall be implemented in full no later than the first planting season following substantial completion of construction works. Any plant failures shall be replaced until such time that planting has become established.

Reason: In the interest of biodiversity protection and enhancement.

5. Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone C.

Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 of the Fingal Development Plan 2023-2029.

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. 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 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.

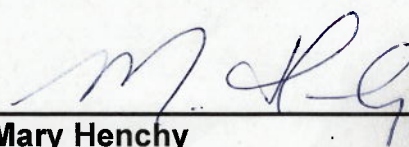
Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. 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.



Mary Henchy

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 8th day of September 2025.

