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**Planning and Development Act 2000, as amended**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F25A/0355E**

**APPEAL** by Tomella Limited care of Marston Planning Consultancy of 23 Grange Park, Dublin against the decision made on the 18<sup>th</sup> day of June 2025 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** The development consists of works to a Protected Structure (Recorded Protected Structure number 398). Retention Permission is sought for the conversion of existing attic space to form a single-bedroom apartment at third-floor level, including the construction of a new private staircase; installation of two conservation rooflights to the front elevation and four conservation rooflights to the side (west) elevation overlooking Saint Margaret's Road; inclusion of ventilation openings to the west elevation; relocation of two previously permitted rooflights to the rear elevation; closure of a side-facing window at second floor level overlooking number 2 Killeen Terrace; reduction in height of two rear-facing obscured sash windows at first floor level overlooking Feenagh House; inclusion of an access door from the new single-storey extension to the rear; construction of a single-storey plant room at the rear adjoining the boundary with number 2 Killeen Terrace; modification of the rear boundary line and allocation of 5 square metres of curtilage to Feenagh House; construction of an ancillary apartment storage unit; alterations to the side boundary along Saint Margaret's Road, including

the installation of metal railings and timber fencing, and the widening of an existing vehicular entrance; and minor internal layout modifications from previously approved development under Fingal County Council register reference: F19A/0524.

Permission is sought for the installation of a submerged sprinkler water tank and the construction of an associated sprinkler pump chamber; alterations to the side boundary along Saint Margaret's Road, including the replacement of an existing vehicular gate with a pedestrian gate, continuation and installation of metal railings and timber fencing, and the fitting of a new metal gate; and the installation of a raised planter in the front garden at number 1 Killeen Terrace, Main Street, Malahide, County Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

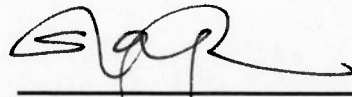
## **Reasons and Considerations**

Having regard to the protected structure status of this building, the Architectural Heritage Protection Guidelines 2011, and the relevant provisions in the Fingal Development Plan 2023-2029, it is considered that the works proposed to be retained would, by virtue of the cumulative impact of the changes and the level of intervention required, have a detrimental impact on the essential qualities of the structure thereby materially affecting its character. The development proposed to be retained would be contrary to Objective HCAP12 of the Fingal Development Plan 2023-2029 and the incremental damage caused by the cumulative impact of works to the protected structure would be contrary to the conservation principles outlined in Chapter 7 of the Architectural Heritage Protection Guidelines 2011. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered the totality of the documentation submitted with the application and the appeal. It did not share the Inspector's view that the development proposed to be retained accords with Objective HCAP12 as the Commission considered that the cumulative impact of the changes required to facilitate the retention of the additional apartment unit within the attic level, including the insertion of an additional staircase, a fire engineering solution with associated sprinkler heads, service risers, sprinkler tank and generator, the provision of two number rooflights on the prominent front roof slope (notwithstanding the extant permission for a single rooflight on the lower roof slope), and four rooflights on the west (St Margaret's Road) elevation, additional roof and wall vents and the impact on the principle rooms in Apartments 3 and 5 arising from the relocated kitchen areas, result in interventions into the physical historic fabric that are not sympathetic, sensitive or appropriate to the character and setting of the protected structure. In this regard the Commission agreed with the planning authority and the Fingal County Council's Senior Executive Architectural Conservation Officer that a significant portion of the works are not acceptable as they negatively affect the character of the protected structure.

In addition, whilst acknowledging the proposal, as part of the appeal, to omit rooflight number one on the principal façade and rooflight number six on the west, the development proposed to be retained would not accord with the provisions of the Architectural Heritage Protection Guidelines 2011 which states inter alia "the insertion of rooflights into prominent slopes of roofs is generally not appropriate" (Section 9.3.3). Furthermore, the combined impact of all the relatively minor alterations is considerable and detracts from the architectural quality and character of the building and would therefore be contrary to best practice conservation principles as outlined in Chapter 7 of the Architectural Heritage Protection Guidelines 2011. The Commission agreed with the Inspector that the accumulation of structures within the site is visually discordant and unsympathetic and while the Commission acknowledged the benefits arising from the proposed revised site layout as

part of the appeal, it did not agree that the revised site layout which includes the removal of three ancillary structures and the realignment of the rear boundary mitigates the totality of the impacts arising from the development proposed to be retained and considered that these revisions in themselves would have a significant detrimental impact on the residential amenity of the future occupants in terms of loss of daylight and storage provision.

  
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**Emer Maughan**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 5<sup>th</sup> day of November 2025.