

Planning and Development Acts 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/0437E

Appeal by Laurence O'Dea care of E.M. Hogan Architects of Unit 3B Santry Avenue Industrial Estate, Santry Avenue, Dublin against the decision made on the 8th day of July, 2025 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: A two-storey dwelling and associated site works including removal of boundary wall and garden room, providing new public footpath to front of the dwelling on corner site located to the rear of 6 and 7 Castle Terrace, Malahide with frontage, vehicular access and parking from Saint Margaret's Road, Malahide, County Dublin.

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

Notwithstanding that the proposed development is located within the curtilage of Number 6 Castle Terrace, a Protected Structure within the Malahide Architectural Conservation Area (ACA), having particular regard to the prevailing character of the immediate locality (mixed styles, sizes, materials, orientations) within which the proposed development would be located, effectively behind the ACA, the Commission is satisfied that, subject to appropriate conditions, the development would not unduly impact the Protected Structure, its setting, or that of the ACA.

It is considered that the proposed development would integrate satisfactorily with the established pattern of development in the area, consistent with Objectives SPQHO39, SPQHO42, SPQHO43 and DMSO31 of the Fingal County Development Plan 2023 - 2029, which support contemporary solutions for infill development on underused, backland and corner sites, and would not, therefore, be contrary to Objective HCAO24 of the Fingal County Development Plan 2023 – 2029, or to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission is satisfied that when the specific location and setting of the proposed development and its physical relationship to the Protected Structure(s) and ACA was considered, the overall objectives contained within the County Development Plan could be achieved, that is, the site is effectively behind the ACA, on a corner addressing dwellings on adjoining streets that are themselves of varying styles, design, scale and massing, there is an apartment block behind Number 1, a street level car park with a substantial block wall separates the site from Number 7 Castle Terrace, the distance between Number 6 and the backland dwelling exceeds the standard sought, the existing limited views of Number 6 will be reinforced with additional landscaping, and colours, materials and textures are to be agreed with the planning authority.

Conditions

1. The 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 the planning authority on the 16th 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In the event that agreement cannot be reached, the details should be submitted to An Coimisiún Pleanála for decision.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

4. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

7. Prior to the commencement of development the developer shall enter into Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including the management of construction traffic, noise and dust management measures and off-site disposal of construction/demolition waste.

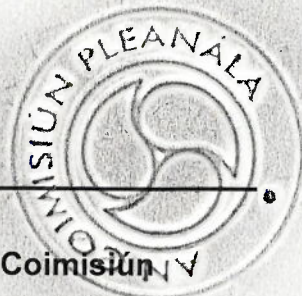
Reason: In the interests of public safety and amenity.

9. 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.


Declan Moore

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



Dated this 17th day of November 2025.