



An
Coimisiún
Pleanála

Inspector's Report

ABP-321698-25A

Development

Retention planning permission for alterations to previously approved planning application (ref: F20A/0374), alterations to front and side elevations, along with driveway entrance.

Location

Ard na Gréine, 2 Seapoint Lane,
Balbriggan, Co. Dublin, K32 KR67

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F24A/0970E

Applicant(s)

Eugene Carr

Type of Application

Retention Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party v Refusal

Appellant(s)

Eugene Carr

Observer(s)

None

Inspector

Daire McDevitt

1.0 Introduction

This report is an addendum report to the Inspector's Report in respect of ABP-321698-25 dated 17th April 2025.

On 1st May 2025, the Board decided to defer the case and issue a Section 132 Notice to the applicant regarding:

1. Accurate detailed drawings, with appropriate annotation and levels, to include a site Plan at minimum scale 1:250 plans, section and elevation minimum scale 1:100 which clearly outline and list all alterations proposed to be retained. Each drawing should be accurately dimensioned, with alterations proposed to be retained highlighted and existing permitted proposals dashed or otherwise suitably indicated for clarity.

Response received on 26th May 2025.

On 16th June 2025, the Board decided to defer the case and circulate under section 131 the applicant's response to the 132 Notice and upon receipt of response from the planning authority for an addendum report to be prepared by Inspector.

Response from planning authority received 17th July 2025. Noting no further comment to make and to refer to their report sent to the An Board Pleanála (Now An Coimisiún Pleanála) on the 7th February 2025.

2.0 Assessment

I refer the Commission to the assessment carried out by Gerard Kellett, Planning Inspector in his report dated 17th April 2025. The plans and particulars submitted on foot of the Section 131 Notice do not change the assessment of the development to be retained and conclusions reached.

3.0 Water Framework Directive

The proposed development comprises the retention of alterations to side and front elevations to house along with driveway entrance

The PA's second reason for refusal referred to surface water disposal arising from discrepancies between permitted and proposed layout and uncertainty if the difference are material, but no water deterioration concerns were raised in the planning appeal.

I have assessed the retention of alterations to side and front elevations to house along with driveway entrance and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows

- Nature of works (retention of alterations to side and front elevations and driveway entrance).
- Removed from water bodies

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional or coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

4.0 Recommendation

I refer to the previous Inspector's Report and recommendation on this application (dated 17th April 2025). I am satisfied that all matters have been addressed fully and that no change the previous Inspector's recommendation is required, having regard to the Board Direction (dated 16th June 2025).

I am also satisfied that no additional conditions should be inserted, or any conditions omitted, as part of the Inspector's Report.

There is no change to the original Inspector's recommendation.

5.0 Reasons and Considerations

Having regard to the nature, scale, location and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained would comply with the zoning objective for the site, as set out in the Fingal Development Plan 2023 – 2029 in particular policy SPQHP41 (Residential Extensions), objective SPQH045 (Domestic Extension) and section 14.10.2.5 (Roof Alterations including Attic Conversions and Dormer Extensions) of the plan, would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 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. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within 3 months from the final grant of retention permission, the applicant/developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

3. 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 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Daire McDevitt

30th July 2025