



An
Bord
Pleanála

Inspector's Report ABP-321700-25

Development	Retention of alterations and amendments from the previously granted planning permission reference number F22A/0245.
Location	18 The Rise, Malahide, County Dublin, K36 Y803
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0963E
Applicant(s)	Michael & Suzi McGuirk.
Type of Application	Retention.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ann Charleton Dan Gilbride and others.
Observer(s)	None.
Date of Site Inspection	2 nd April 2025.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development site is on the eastern side of 'The Rise', a tree-lined residential street to the south of The Mall in Malahide. The site lies to the southeast of Malahide Town Centre, within walking distance of the railway station and the coast.
- 1.2. The site itself has a stated area of 0.083ha and is roughly rectangular in shape with a triangular projection to its southeast corner. It comprises No.18 The Rise, a large detached two storey dwelling which has recently been renovated and extended. The extended dwelling has a gross floor area of c. 343sqm, it is set back c.16m from the public footpath and benefits from amenity areas to the front and rear. The amenity area to the front of the dwelling is primarily laid out in hard surfacing with planting along north, south and western boundaries and a new boundary wall and gate to the west (roadside) boundary. This space is utilised for the parking and turning of vehicles. The amenity area to the rear comprises landscaped gardens laid out to include designated BBQ, dining and seating areas, a garden room to the northeast corner that is linked to the main dwelling by a metal pergola type structure and a detached garden shed to the southeast corner.
- 1.3. Existing development in the immediate vicinity of the site comprises large detached and semi-detached two-storey houses on large plots with extensive rear garden areas.

2.0 Proposed Development

- 2.1. The proposal is for the retention of alterations and amendments from the previously granted planning permission Reference number F22A/0245. The proposed amendments for retention are set out below:

1. Minor setback to a section of the north elevation at first-floor level and subsequent minor alteration to the roof profile to the small west facing pitched roof over the ground floor side extension.

As per the details submitted these alterations were made to avoid the eaves and guttering of the new extension from overhanging the neighbouring property to the north.

2. Main house ground floor level lowered by 355mm and
3. Garden room ground floor level lowered by 355mm.

As per the details submitted, following site investigation and survey the opportunity arose to lower the floor level of the existing house and proposed garden room to allow for more generous floor to ceiling heights throughout the house.

4. Adjustments to positions of the sliding doors to the rear (East) elevation.
5. The removal of 1 no. window to first floor and 1 no. window at ground floor to side (South) Elevation.
6. Minor adjustment to position of window and door at ground floor on Side (South) elevation.
7. Reduction in extent of proposed brickwork at side (South) Elevation at ground floor.
8. Windowsill at first floor level to side (North) elevation lowered by 140mm.
9. Modifications to the internal layout.
10. Amendments to the number, size and position of rooflights on single storey rear roof extension.
11. Removal of 1 No. rooflight to the single storey rear roof extension.
12. New rooflights to the flat roof section of the main roof at attic level.
13. New single storey flat roof shed of 18sq.m to replacing previously existing timber shed of 12.55 sq.m.
14. A new single storey flat roof metal canopy linking the garden room and the main dwelling.
15. A new BBQ area in rear garden adjacent to the garden shed.
16. All associated works to the development, landscaping, rear boundary walls and ancillary site works required to carry out the development. Letter of consent attached
17. New front boundary wall, fence and gates replacing the original which was in poor condition.

18. Photovoltaic panels to roof of garden room.

19. First floor parapet to rear (east) elevation raised by 235mm to account for the build up of the balconies and the provision of upstand parapets for proper weathering.

20. Regularisation of overall height of house and rear dormer following accurate survey of dwelling.

2.2. The gross floor areas, finished floor areas and height of the original dwelling, the development as permitted under F22A/0245, and the as constructed development are set out in the table below:

	Original (as per survey carried out 14/10/2022)	Permitted F22A/0245	As Constructed
House			
GFA	194sq.m	389sq.m	343sq.m
FFL	19.23	+0.15	+18.875 (lowered by 355mm)
Height	8.48m (above FFL reaching a ridge level of +27.71m)	8.065m (above FFL reaching a ridge level of +8.215m)	8.48m (above FFL reaching a ridge level of +27.71m)
Garden Room			
GFA	N/A	c50sq.m	50sq.m
FFL		+0.15	+18.875 (lowered by 355mm)
Height		3.25m	3.45m
Garden Shed:			
GFA	12.55 sq.m	N/A	18.36sq.m
FFL	Unknown		18.725
Height	Unknown		2.9m (above FFL reaching a parapet level of 21.61)

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council, did by order dated the 18th of December 2024, decide to grant permission for the retention for the proposal subject to 6 no. conditions. The following of which is noted:

- C. 3 Requires the removal of the granite capping to the front boundary walls and entrance piers in order to conserve the character of the Architectural Conservation Area.
- C. 6(a) Requires that the carparking provision for the development shall not exceed a maximum of 2 car parking spaces.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Local Authority Case Planner forms the basis of the planning authority decision.
- The Case Planner considers the amendments to the previously approved development under FCC Ref: F22A/0245 for retention are generally of a minor nature and that subject to condition, the development would accord with the policies, objectives and guidance set out in the FDP and would not detrimentally impact the character of the ACA and would not be visually obtrusive when seen from street level.
- The report concludes with a recommendation to grant permission subject to 9 no. conditions which was amended to 6no. condition in the decision (financial and security conditions omitted).

3.2.2. Other Technical Reports

- **Water Services:** No objection
- **Conservation Officer:** This report considers the impact of the proposed development for retention on the character of the ACA. The Conservation Officer requests that the granite capping is removed from the boundary wall to

reduce its height and as granite capping is not original feature of the boundary walls in The Rise ACA.

Note: Condition 3 of the planning authority's grant of permission relates.

- **Transportation:** No objection subject to condition, as follows:
 - The proposed widened vehicular entrance shall have a width of 4m.
 - The car parking provision for the development shall not exceed a maximum of 2 car parking spaces.
 - No gate shall open across a public footpath/ roadway.
 - Any works to the public footpath to facilitate the development and any repairs to the public footpath necessary as a result of the development shall be at the expense of the developer and completed to the satisfaction of the Planning Authority
 - All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

Note: Condition 6 of the planning authority's grant of permission relates.

3.3. Prescribed Bodies

Dublin Airport Authority: Notes the location of the proposed development within Dublin Airport Noise Zone C and recommends conditions requiring appropriate noise insulation.

Note: This matter was addressed under Condition 8 as attached to the previous grant of permission FCC Ref: F22A/0245

3.4. Third Party Observations

The planning authority received four third party submissions. Submissions were received from residents of The Rise and from The Grove, the residential street which runs parallel and to the east of The Rise. The issues raised in the submissions are similar to those set out in the grounds of appeal and summarised in section 6.1 of this report. Essentially, it is contended that the as constructed development

represents an overdevelopment of the site that negatively impacts on the character of the area / ACA and on the privacy and amenities of neighbouring properties.

4.0 Planning History

F22A/0245

Permission granted 3rd of August 2022 for:

- The demolition of existing ground floor conservatory rear utility extensions and
- The construction of a new 2 storey extension to the rear of the existing dwelling at ground and first floor level
- The conversion of the existing attic storage to habitable space with dormer windows to rear of dwelling proposed at second floor level.
- A single storey extension to side of dwelling at first floor level,
- The provision of terraced balcony to rear of dwelling at first floor level,
- Internal modifications and the provision of new rooflights.
- The construction of a single storey detached lounge and gym room located in the rear garden,
- New soakaway, additional hard standing to allow for safer car manoeuvring in front garden and all associated site works necessary to facilitate the development.

The development was permitted subject to 12 conditions, the following of which are of note:

- C.3 Required that the development be amended as follows: (a) The proposed balcony/terrace at first floor level on the rear elevation shall be reduced and shall extend a width (north-south) of no more than 6m, proportionately centred around the access doors. Obscure privacy screens, with a height of 1.8m shall be provided to each of the side elevations. (b) The proposed

dormer structure shall be reduced so as not to exceed 4m in width. The overall dimension of the window within the dormer extension shall be amended into two symmetrically positioned and equally sized windows. In the interest of residential amenity.

- C.4 Required that (a) both existing chimney stacks shall be retained. (b) The small window to the ground floor side extension be omitted (c) The windows at ground and proposed first floor level in the side extension shall be centred and aligned to maintain the symmetry of the front elevation in the ACA. To protect the character of the Architectural Conservation Area.
- C.7 Required that the brick finish to the ground floor side element be omitted and replaced with render in the interests of visual amenity.

F23A/0714 Retention permission sought for alterations / amendments to F22A/0245. This application was deemed withdrawn following the applicant's failure to respond to a request for further information within the six-month period.

5.0 Policy Context

5.1. Fingal Development Plan 2023-2029 (FDP 2023-2029)

- 5.2. **Zoning:** The proposed development site is zoned 'RS – residential'. The objective for this area is to provide for residential development and protect and improve residential amenity.

5.3. Residential Extensions:

Section 3.5.13.1 Extensions to Dwellings:

The need for people to extend and renovate their dwellings is recognised and acknowledged. Extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area.

Section 14.10.2 Residential Extensions

The need for housing to be adaptable to changing family circumstances is recognised and acknowledged and the Council will support applications to amend existing dwelling units to reconfigure and extend as the needs of the household change, subject to specific safeguards.

Section 14.10.4 Garden Rooms

Garden Rooms can provide useful ancillary accommodation such as a playroom, gym, or study/home office for use by occupants of the dwelling house. Such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. Applicants will be required to demonstrate that neither the design nor the use of the structure would detract from the residential amenities of either the main residence or of adjoining property. External finishes shall be complementary to the main house and any such structure shall not provide residential accommodation and shall not be fitted out in such a manner including by the insertion of a kitchen or toilet facilities. Such structures shall not be let or sold independently from the main dwelling.

5.4. Architectural Heritage Area: the site is in The Rise, Architectural Conservation Area (ACA)

The Rise ACA is located to the east of Malahide town centre. The special character of this area is associated with the homogeneity (or uniformity) of the size, scale and architectural style of the mid-20th century houses on The Rise. The materials used in the buildings, including the variety of visual interest generated by the combination of pebble dash and redbrick add textural interest to the streetscape. The Rise is a tree-lined residential street in Malahide, which is characterised by large detached and semi-detached units, with large plot sizes, and with a uniform front building line along both sides of the road. The special character of this ACA is also supported by the contrast between the style, form and design of these houses in comparison with the tighter urban grains of other roads in Malahide's town Centre.

Section 14.19.3.3 Architectural Conservation Areas

Any works that would have a material effect on the special character of an ACA require planning permission and so the normal exemptions from planning will no longer apply where they are considered to impact on the unique or special features and elevations of an ACA.

Table 14.24: Direction for Proposed Development within Architectural Conservation Areas

Changes and development within ACAs should be carried out in a manner sympathetic to its distinctive character and so the following should guide proposed new works within ACAs:

5.5. Noted Policy / Objectives:

Policy SPQHP41 – Residential Extensions

Support the extension of existing dwellings with extensions of appropriate scale and subject to the protection of residential and visual amenities.

Objective SPQHO45 – Domestic Extensions

Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Policy HCAP14 ACA – Architectural Conservation Areas

Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

Objective HCAO24 – Alteration and Development of Protected Structures and ACAs

Require proposals for any development, modification, alteration, extension or energy retrofitting affecting a Protected Structure and/or its setting or a building that contributes to the character of an ACA are sensitively sited and designed, are compatible with the special character, and are appropriate in terms of the proposed scale, mass, height, density, architectural treatment, layout, materials, impact on architectural or historic features.

5.6. Natural Heritage Designations:

The proposed development site is not within nor is it adjacent to any designated site. The Malahide Estuary designated as an SPA, SAC and pNHA, is located c.250m to the north.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal lodged by Ann Charleton and Dan Gilbride, residents of The Rise, against the decision of Fingal County Council to grant permission for the retention of works at No. 18 The Rise, Malahide. The appeal includes additional commentary from Robert and Rose Michael and from Elizabeth Waldron Hamilton, (third parties to the application to Fingal County Council). For clarification, it should be noted that the submissions from Robert and Rose Michael and from Elizabeth Waldron Hamilton, due to the manner and form presented, are treated as addendums to the appeal and not as separate appeals. The appeal documentation includes photographs of the proposed development site taken from neighbouring properties.

The issues raised in the grounds of appeal can be summarised as follows:

- It is contended that FCC in granting retention permission for the proposed development ignored the policies and objectives of the Fingal Development Plan 2023-2029. The appeal references, the RS zoning objective for the area; Policy SPOHP41 Residential Extensions; Objective SPOHO45 Domestic

Extensions, Policy HCAP14 Architectural Conservation Areas and Objective HCAO24 Alteration and Development of Protected Structures and ACAs.

- The appeal raised concerns regarding the scale, bulk, height and design of the as constructed development and the negative impacts it is having on neighbours and their properties and on the road. Reference is made to the abundant use of glass / the glass extension and to the scale of the garden shed which includes WC facilities.
- It is contended that as constructed development is unsuitable given its location within an Architectural Conservation Area.
- It is contended with reference to Table 14.24 of the FDP, that the original chimneys on dwelling were not retained as per the requirements of the original grant of permission (C.4(b)).
- The appeal supports Conditions 3 and 6a attached to the grant of permission.

6.2. Applicant Response

The applicant's response to the third-party grounds of appeal can be summarised as follows:

- The Board is requested to dismiss the appeal having regard to Section 138(1) of the Planning and Development Act 2000 (as amended) on the grounds that the appeal is without substance and does not relate in any way to subject of the application i.e., amendments to a previously permitted scheme.
- The proposed development is acceptable under the RS zoning objective for the site.
- The report of the Local Authority Case Planner refers to all policies and objectives referenced in the appeal save for Policy HCAP14 which is not considered to be of material relevance.
- The application has been assessed by the Conservation Officer who, save for the issue relating to the granite capping to the front wall (dealt with by condition) raised no objection to the development.

- Reference in the appeal to the ‘glass’ extension to the side is both inaccurate and misleading. The drawings clearly show the permitted side extension to be brick clad with typical windows. The glazed screens serving the first-floor terrace were permitted under F22A/0245 and are not subject to amendment under the application currently before the Board.
- Objective SPQHO45 has been misquoted in the appeal as it does not require new extensions to have a ‘positive impact’ on the environment or on adjoining properties or the area. The requirement is for no negative impact. There is no suggestion from either the applicant or the local authority that the proposed development impacts negatively on the environment or on adjoining properties or area.
- The exact rebuild of the chimneys in their previous positions has been carried out.
- If minded to grant permission, the Board are requested to consider the following:
 - Regarding condition 6(a) as attached to the planning authority’s grant of permission. It is contended that as the application currently before the Board does not seek to amend or adjust the car parking in any way from that permitted, the attachment of this condition is unfair.
 - Regarding condition 3 as attached to the planning authority’s grant of permission. Condition 3 requires that the granite capping to the front piers be removed. It is contended that as similar capping has been installed on other properties in the area (No’s 28A, 28 B, 30, 10 and 4), that its use in this instance could not be considered out of character.

6.3. Planning Authority Response

The planning authority’s response to the grounds of appeal can be summarised as follows:

- The application was assessed against relevant policy and guidance in the Fingal Development Plan 2023-2029, including requirements for development in ACA’s. The planning authority reviewed each of the items for retention

individually and cumulatively and considered that none of the amendments made to the previously permitted development were of a scale or nature that could reasonably be expected to interfere with the amenity of neighbouring properties or give rise to significant overlooking or overshadowing.

- All issues raised in third party submissions were considered and assessed. The planning authority did not agree that the extensions and alterations constituted a scale that would be overbearing for neighbouring properties, having considered the scale of surrounding rear gardens and distances to adjoining homes.
- The planning authority also did not agree that the development primarily to the rear of the home would be inappropriate in an ACA which primarily protects the public facing exterior of buildings.
- The Board are requested to include the condition requiring the removal of the granite capping to the front boundary wall in any grant of permission.

6.4. Observations

- None

6.5. Further Responses

None

7.0 Assessment

7.1. Introduction

- 7.1.1. Permission was granted under FCC PI. Ref: F22A/0245 for alterations and extensions to No. 18 The Rise, comprising the demolition of existing ground floor conservatory and rear utility extensions; the construction of a new two storey extension to the rear incorporating a first-floor balcony, a single storey extension to side of dwelling at first floor level, and the conversion of the attic space including the provision of a dormer window to rear. Permission was also granted for a detached garden room to the rear of the property. The development carried out on foot of this

grant of permission does not fully accord with the approved plans. In accordance with the information on file, deviations from the permitted development occurred, in part, because of discrepancies in the height and layout of the roof as shown on the drawings submitted to the planning authority under FCC PI. Ref: F22A/0245. These discrepancies have been identified and rectified on the drawings submitted with this application. Further alterations / amendments were made during the build process and a new detached garden shed was erected to the southeast corner of the site. This application for retention seeks to rectify and regularised the as constructed development on site. The specific works for retention are set out in section 2 of this report.

7.1.2. In the interest of clarity, I would like to note that as the principle of alterations / extensions to No. 18 The Rise was established on foot of the previous grant permission FCC PI. Ref: F22A/0245, this appeal is restricted to assessing whether the amendments / alterations etc identified for retention, accord with proper planning and sustainable development.

7.1.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority, having regard to relevant local/regional/national policies and guidance and having inspected the site, I consider that the main issues in this appeal relate to the impact of the proposed works for retention on the residential amenities of neighbouring properties and on the character of the ACA. I also note that the applicants have queried the validity of the appeal.

7.1.4. I proposed to address these issues on the following headings:

- Validity of the Appeal:
- Principle of Development
- Impact on Neighbouring Residential Amenity
- Impact on the Character of the ACA
- Other Matters:

7.2. Validity of the Appeal

- 7.2.1. In the first instance, I note that the applicants have requested that the Board dismiss this appeal as without substance in accordance with the provisions of the Planning and Development Act 2000 (as amended). This request is based on the applicant's opinion that the appellants have failed in their submission to provide any proper grounds for appeal, that the appeal relates to the development as a whole and not to the retention elements, the subject of the application.
- 7.2.2. I have considered the documentation lodged with the appeal and the relevant sections of the Planning and Development Act 2000 (as amended) and I am satisfied that the appeal documentation submitted is sufficient to form the basis of a valid appeal and therefore I do not recommend that the appeal be dismissed.

7.3. Principle of Development

- 7.3.1. The proposed development site is located on lands zoned 'RS' Residential in the Fingal Development Plan 2023-2029 (FDP), the objective for this zone is to provide for residential development and protect and improve residential amenity'. The FDP recognises the need for people to extend and renovate their dwellings and this is supported by the policies and objectives of the plan namely Policy SPQHP41 and Objective SPQHO45. Essentially, extensions etc will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. As previously established the principle of alterations / extensions to No. 18 The Rise was accepted on foot of the previous grant permission FCC Pl. Ref: F22A/0245, in the following sections of this report in I intend to consider the impact of the proposed works for retention on the amenities of neighbouring properties and on the character of The Rise ACA.

7.4. Impact on Neighbouring Residential Amenity:

- 7.4.1. Following consideration of the drawings submitted with the application and following site inspection, I am satisfied that the amendments listed for retention, as they relate

to the alterations and extensions to the main dwelling house, are relatively minor and do not deviate in any material way from the development as permitted under FCC Pl. Ref: F22A/0245. I note that the scale and design of the rear extension, first floor balcony and dormer window generally accord with the approved plans (as amended by way of condition). In my view the amendments for retention would not give rise to any new or additional impacts on the amenities of neighbouring properties beyond what was previously deemed acceptable.

- 7.4.2. The garden room permitted under FCC Pl. Ref: F22A/0245 comprised a single storey detached structure with a gross floor area of c. 50sqm and a ground to ridge height of 3.25m. The structure had a flat roof and extensive glazing to south and west elevations that opened into decked area. The design of the structure also included canopy projections to its south and east elevations and brick detailing as an external finish. Internally the structure comprised a garden room, gym and WC.
- 7.4.3. The as constructed garden room is similar in terms of scale and design. The structure is shown to have a ground to ridge height of 3.45m, this increased in height is attributed to a lowering of the ground level on site (by 355mm) with no change to the permitted parapet level. The submitted drawings detail photovoltaic panels mounted on the flat roof of the garden room, these are not visible at ground level. Charred timber is used as an external finish to walls in lieu of the permitted brick detailing. Internally the structure comprises a garden room and gym. The WC has been omitted and relocated within the new garden shed (for retention). I have no objection to the retention of the garden room as constructed.
- 7.4.4. The extended canopy structure projects from the south and west elevations of the garden room and connects to the east elevation of the extended dwelling at ground floor level. It is set back from the northern site boundary (the shared boundary with No. 16 the Rise) behind a new boundary wall. This wall is shown to a height of 1.5m and is finished on the proposed development side, in charred timber cladding matching that used on the garden room and shed. The canopy structure is supported by four columns that are finished in brick to match that used on the extended dwelling. It does not exceed the height of the garden room. While this canopy structure is visible from neighbouring properties (as detailed in the photographs

submitted with the appeal), it is not excessively high or imposing and, in my view, it does not give rise to excessive overbearing or overshadowing impacts. I have no objection to the retention of this structure.

7.4.5. Retention permission is also sought for a single storey flat roof garden shed to the southeast corner of the site. The shed is irregular in shape having been designed to fit into the angled space at the end of the garden. This structure has a stated GFA of 18.36 sq. m. and a ground to ridge height of c.2.9m reaching a parapet level of +21.61. It is shown to be set back 0.685m from the northeastern site boundary and c0.2m from the southern site boundary. The structure is finished in charred timber cladding to match that of the garden room. Internally the structure comprises a storage area and WC (in lieu of the permitted WC in the garden room). In accordance with the information on file, this structure replaces a previously existing timber shed of 12.55 sq. m. Concerns have been raised in the appeal regarding the scale of this structure as it can be seen from neighbouring properties. However, in my opinion the height and scale of the structure is not excessive or beyond what would normally be deemed acceptable in residential areas. While I accept that this structure is partially visible from neighbouring properties, it does not, in my view, seriously detract from the use and enjoyment of these properties or from the visual amenities of the area.

7.4.6. Overall, I am satisfied that the nature and scale of the development sought for retention is not materially different to the development permitted under FCC PI. Ref: F22A/0245, that the works for retention are compatible with the existing dwelling on site and that they would support the appropriate use and enjoyment of the existing residential property without undue impact on the residential amenities of neighbouring properties.

7.5. Impact Of the Character of the ACA

7.5.1. The appeal site is within 'The Rise' Architectural Conservation Area (ACA). The policies and objectives of the FDP (namely Policy HCAP14 and Objective HCAO24) seek to protect the special interest and character of ACA's which is the case of 'The

Rise' ACA is described as relating to the homogeneity (or uniformity) of the size, scale and architectural style of the mid-20th century houses and the contrast between the style, form and design of the houses on The Rise, in comparison with the tighter urban grains of other roads in Malahide's town Centre.

- 7.5.2. The report of FCC's Conservation Officer, dated the 9th of December 2024, considers the impact of the development for retention on the character of the ACA. It is of relevance to note that the Conservation Officer only considered the works to the front of the property, as these have a bearing on the ACA. I agree with the approach taken by the Conservation Officer, as I am satisfied that the works to the rear of the property, as they are not visible from public areas along 'The Rise' cannot be considered to have any impact on the character of the ACA.
- 7.5.3. The report of the Conservation Officer raises no issue with works to the front elevation of No. 18. However, concerns are raised regarding the height and design of the new front boundary wall, for retention. The new wall is stepped and rendered to match the original wall but is taller and capped with flat granite. The entrance piers are also taller and have a flat granite capping stone. The Conservation Officer requests that the granite capping atop the new boundary wall be omitted to reduce the height of the wall and as granite capping is not an original feature of boundary walls within the ACA. The Conservation Officer notes that changes to entrance piers and walls are discouraged as small incremental changes to houses in an ACA can overtime have a negative impact on the established character of an ACA. While I would agree in principle with the comments of the Conservation Officer, I note from my observations during site inspection that there are already variances in the height and design of front boundary walls along The Rise, with granite capping utilised in some cases. On this basis, I do not consider that it would be reasonable to require the removal of the granite capping from the front boundary wall and piers.
- 7.5.4. Having considered the plans and particulars submitted and having inspected the site and surrounding area, I am satisfied that the development for retention is generally compatible with the architectural style along The Rise and would accord substantially with the objectives for Architectural Heritage as set out in the Fingal Development Plan.

7.6. Other Matters:

Parking:

- 7.6.1. The Transportation Department in their report to the planning authority, dated the 19th of November 2024, cited no objection to the development subject to condition including that the car parking provision for the development does not exceed a maximum of 2 car parking spaces. I note that the development permitted FCC PI. Ref: F22A/0245 included for additional hard standing in the front garden to allow for safer car manoeuvring with no restriction on car parking. Considering this and given the fact that the development currently before the Board does not include proposals for any works to the front garden area (retention or otherwise), I consider that it would be unreasonable to include such a condition in a grant of permission.

Retention of Chimneys:

- 7.6.2. It is contended in the third-party appeal that one of the two originally chimneys serving No. 18, has removed and has not replaced contrary to Condition 3 of the grant of permission under FCC PI. Ref: F22A/0245. The first-party response to the appeal disputes this claim, stating that the exact rebuild of the existing chimneys in their previous positions has been carried out. My observations during site inspection would support the applicant's position in this regard.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The subject site is located on The Rise in Malahide a residential street within the built-up area. The site is not on nor is adjacent to any designated European Site. The closest sites are those within the Malahide Estuary, c250m to the north. The Malahide Estuary designated as an SPA, SAC and pNHA. The proposed development comprises the retention of works to and within the curtilage of a dwelling. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it

can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The established residential use of the site
- The Planning history of the site
- The nature and scale of the development for retention
- The distance to the nearest European site, intervening land uses and the lack of connections; and,

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 8.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 EIA Screening

The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

10.0 Recommendation

I recommend that retention permission be granted subject to condition as outlined below.

11.0 Reasons and Considerations

Having regard to the 'RS' – 'Residential' zoning provisions for the site, to the planning history of the site, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would not be out of character with development in the Architectural

Conservation Area, would not seriously injure the residential or visual 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.

12.0 Conditions

1. The development shall be carried out and completed 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 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference F22A/0245 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. This garden shed hereby permitted shall be used for private domestic use only and shall not be used for human habitation or for any commercial purpose. It shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot.

Reason: To safeguard the residential amenities of adjoining properties.

4. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

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.

Lucy Roche
Planning Inspector

24th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321700-25		
Proposed Development Summary	Retention of alterations and amendments from the previously granted planning permission reference number F22A/0245.		
Development Address	18 The Rise, Malahide, County Dublin, K36 Y803		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____