



An
Coimisiún
Pleanála

Inspector's Report ACP-323051-25

Development	Protected Structure (RPS No. 398): Retention permission for apartment, plant room, apartment storage, water tank, pedestrian gate, riling and associated site works
Location	1 Killeen Terrace, Main Street, Malahide, County Dublin, K36 KV57
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0355E
Applicant(s)	Tomella Ltd
Type of Application	Permission & retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First
Appellant(s)	Tomella Ltd
Observer(s)	None
Date of Site Inspection	19/10/2026

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The proposed development that is subject of the appeal is located at 1 Kileen Terrace, located to the south of Main Street and on the eastern corner of Main Street and St Margaret's Road in Malahide.
- 1.2. The property subject of this appeal is one of 4 dwellings in this terrace all of which are afforded protected structure status. The property is located at the western end of the terrace with the side elevation facing onto St Margaret's Road. The building is three storey's in height with a new two storey monopitch rear return.
- 1.3. Access to the site is from St Margaret's Road and which comprises of a bellmounted entrance with cut stone piers and wrought iron gates and railing. There is a wide open area to the front of the house where cars are parked. There are two further gates onto Saint Margaret's Road one a pedestrian gate opening inwards and the other a sliding gate. This western boundary is made up of timber fencing with shrub planting. There are a series of small buildings between the site boundary and the building along the western boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:

Retention Permission for:

- The conversion of the attic into a single bedroom apartment at third floor level with newly constructed private stair access
- Installation of two conservation rooflight to the front, four to the west overlooking St. Margaret's Road.
- Inclusion of ventilation openings to the west elevation
- the relocation of two previously permitted rooflights to the rear.
- Closure of a side-facing obscured sash windows at first floor level overlooking Fennagh House
- The apartment is stated to have a gross floor area of c.54sqm.

- The closing up of a side facing- window at second floor level overlooking no.2 Killeen Terrace,
- A reduction in height of two rear facing obscured sash window at first floor level overlooking Feenagh house,
- The inclusion of an access door from the newly constructed single storey extension to the rear,
- The construction of a single story plant room at the rear adjoining the boundary wall with no.2 Killeen terrace. This structure measures c. 2.9m (W) x c.3.8m (l) x . 2.7m (h) with a flat roof profile.
- The modification of the rear boundary line and subsequent allocation of 5sqm to Feenagh house. This results in a stepped rear building line.
- Construction of ancillary apartment storage unit
- Alterations to the side boundary along St Margarets Road, including the installation of metla railings and timber fencing and the widening of existing vehicular entrance.
- Minor internal modifications from previously approved development under PA reg ref F19A/0524.
- Permission is sought for the installation of a submerged sprinkler water tank and the construction of an associated sprinkler pump chamber; altertaions to the side boundary along St Margarets 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 new metal gate; and the installation of a raised planter in the front garden.

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to refuse permission for the following reasons:

1. The application property is a Protected Structure, Ref 398, described as being a Terrace of four three-bay three-storey 19th century houses incl gates & front railings recessed from street by common garden. A significant

proportion of the works undertaken are not appropriate as they negatively affect the character of the protected structure and its setting and the retention of these is therefore not acceptable. It is submitted the insertion of six rooflights on the prominent roof slopes of the front and side (west) elevation, the provision of roof vents, the insertion of multiple new ancillary structures within the private open space areas to the side and rear of No. 1 Killeen Terrace, the provision of four CCTV cameras added to the front, side and rear etc and the reduction of the non-built areas so that little remains to service such a substantial building, all element taken together have a detrimental impact on the protected structure.

The development as such is contrary to Objective HCAP12 of the Fingal Development Plan 2023-2029 which states 'Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are, sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.' The development as such materially affects a protected structure.

2. The current layout as depicted on Drawing No. 300 Retention Site Layout Plan is unacceptable due to the reduction of planting and landscaping to the front of the site. The shared front garden area has been radically altered and is now dominated by carparking. This has eradicated the special character of this space which is a fundamental part of the special significance of Killeen Terrace and also contributed to the special character of the ACA. Objective HCA024 Requires 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. The collective negative impacts of the development would adversely affect the Malahide Historic Core Architectural Conservation Area and would be contrary to Objective HCA024 of the Final Development Plan 2023-2029.

3. The cumulative effect of the placing of ad hoc-structures.in a piecemeal. manner. within the site, the lack of provision of private amenity space for the additional apartment and the overall reduction in the quantity and quality of private and communal open space is to the detriment of the residential amenities of the building. The development seeking retention permission constitutes an inappropriate over development of the site and is inconsistent with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. There is a single planning report on file – the issues assessed are directly related to the reasons for refusal. There is a strong overlap between reports of planning office and conservation officer.
 - Principle of Development acceptable
 - The conversion of the attic space to residential use necessitated a compliant staircase and a fire engineering solution to be inserted leading to further interventions into the physical historic fabric and the external setting of the protected structure. This requires the installation of a sprinkler system and apartment storage unit to serve the attic apartment which negatively affects the character of the protected structure.
 - The insertion of rooflights on prominent front and side roof slopes (two rooflights to the front elevation and the four rooflights to the west elevation to serve the attic level unit is not acceptable.
 - The modification to the rear boundary which acquires 5sqm curtilage of Fennagh house remains unacceptable and should be reversed.
 - The front section of the site has been significantly altered with a large forecourt dominated by car parking replacing the shared garden space. The provision of a raised planting bed is insufficient. The landscaping to the front common area should be revised and increased form that shown on site layout plan.
 - 4 units would have access to a rear communal space on limited amenity value due to the constrained layout and proximity to an access gate onto St

Margarets Road. The alterations to the private amenity space serving the apartments are to be considered to negatively impact upon the residential amenities of the occupants. In this form the work seeking retention permission presents an inappropriate overdevelopment of the site.

3.2.2. Other Technical Reports

- Conservation Officer submitted a comprehensive report on the 6th of June 2025. The issues raised by the conservation officer were highlighted as key concerns within the planning officer report as set out under Section 3.2.1 above.
- Water Services Department – no objection subject to conditions
- Transportation Section – Bicycle Parking shall be provided for the overall development – the location, quantity and detail shall be agreed in writing with the planning authority prior to commencement of development.
- Parks Department – no objection to the retention and permission application

3.3. Prescribed Bodies

Dublin Airport Authority – no objection

3.4. Third Party Observations

- None received

4.0 Planning History

F23A/0372/ ABP -317986-23 -

- F19A/0524 - (a) Alterations to house in apartments; renovation of the building, a Protected Structure to include reroofing and new timber sash windows, (b) reduction from 6 no. apartments to 5 no. apartments, to provide 1 no. 1-bed apartment (56sq.m.) and 1 no. 2-bed apartment (75sq.m.) at ground floor level to include widening of 2 doors to accommodate French doors with access to 2 individual open spaces) facing St. Margaret's Road, 1 no. 1-bed apartment (63sq.m.) and 1 no. 2-bed apartment (70sq.m.) at first floor level,

and 1 no. 2 bed apartment at second floor level (985q.M.), (c) the insertion of 5 no. Velux roof lights to rear and side of roof, (d) demolition of dilapidated ancillary two story structure towards the rear staircase and the reconstruction as a two tiered two storey flat roof extension, (e) demolition of single storey rear return lean-to roof to facilitate reconstruction with additional slate roofed second storey, to include 2 windows, 1 to east and 1 to west elevation, (f) landscaping to rear and resurfacing parking facilities to front, (g) associated site alterations and site works, A PROTECTED STRUCTURE RPS NO. 398 - Granted permission.

- F22A/0583 - This permission authorised 5 no. apartments. • Feenagh House to the south (rear) - Works comprising of a) Permission to extend an existing single storey side porch entrance by 2 sqm. and alter the pitch roof to a flat roof. b) Retention permission to extend the rear garden by 5 sqm. into the curtilage of 1 Killeen Terrace, Main Street, Malahide, County Dublin; A protected structure RPS No. 398, (in same legal ownership) c) Retention permission for the construction of a 35 sqm. single story flat roof annex in the rear garden adjoining the boundary with no. 2 Killeen Terrace for use as a gym, and all associated site works. Split Decision issued by the Planning Authority and the application was appealed to the Board. Permission was granted for the porch elements and refuse the extension to the rear garden by 5sq.m. into the curtilage of 1 Killeen Terrace and refuse single storey flat roof annex to rear. The cumulation of this annex structure and the structures built without the benefit of planning permission within the landholding and curtilage of a Protected Structure and within an ACA diminishes the character of the area and has a negative impact on the visual and residential amenity of the site and landholding, contravenes Objective DMS157 and Objective CH20 of the Fingal Development Plan 2017-2023 and as such would not be in keeping with the proper planning and sustainable development for the area.

5.0 Policy Context

5.1. Development Plan

The Fingal County Dublin Development Plan 2023-2029 is the relevant County Development Plan for the area.

- The site is zoned with the objective 'TC' Town and District Centre which is "To protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities"
- This site is located within a 'Highly Sensitive Landscape' which can be seen on Sheet 14 'Green Infrastructure 1' of the Fingal Development Plan 2023-2029

The proposed development site is located in an Architectural Conservation Area in the statutory plan serving the area.

- Objective HCAP14 -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 it's 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 HCA024 -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.
- Objective HCA026 - Use of Protected Structures: Where required to support active use or facilitate suitable adaptive re-use of Protected Structures the

Council may in certain circumstances consider the relaxation of site zoning restrictions to secure the preservation and conservation of the Protected Structure where the use proposed is compatible with the existing structure. This will only be permitted where the development is consistent with conservation policies and the proper planning and sustainable development of the area.

- Objective HCAP12 - Interventions to Protected Structures: Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed.
- Policy HCAP28 - Climate Change and Heritage: Advance and support mechanisms through which the Council can develop resilience, adapt or mitigate the impact of Climate Change on the archaeological and built heritage of the County.
- Section 14.6 - Design Criteria for Residential Development in Fingal: 'While the minimum standards will be sought in relation to refurbishment schemes, it is acknowledged that this may not always be possible, particularly in relation to historic buildings, 'Living over the Shop' projects and in certain urban infill developments. In some instances, and on a case-by-case basis, quantitative standards may be relaxed subject to the provision of excellent quality accommodation, and where the proposal secures compact growth, benefits from high quality transport links, is proximate to community infrastructure and renews underutilised building stock/sites. It must be satisfactorily demonstrated that the internal design and overall layout is closely aligned to the specific needs of occupants and proposals governing future management requirements are robust and enforceable'

5.2. Natural Heritage Designations

The subject site is not located adjacent to any European site. There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites.

5.3. EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA. . Refer to Form 1 in Appendix 1 of report

6.0 The Appeal

6.1. **This is a first party appeal against the decision of Fingal County Council to refuse permission. The Grounds of Appeal can be summarised as follows:**

- 6.1.1. Revised Details – The applicant has taken the opportunity to provide revised drawings to partially address the reasons for refusal as set out by the Planning Authority.
- An entire new landscaping plan has been submitted to address the 2nd reason for refusal. This also reflects the permitted landscaping approved under Planning Ref F19A/0524.
 - The amended communal open space to the rear will increase the area to 73sqm which reflects the previous rear communal open space as permitted under the 2019 application. This open space will be more useable and addresses refusal reason 3 as set out by the planning authority.
 - The extension of the rear courtyard space has removed the external storage unit that was indicated to be retained under this application. Other aspects of the development to be retained could be omitted by condition by the Coimisiun if this was saw fit, for example removing two of the roof lights, one from front and the other from the side.

6.1.2. Response to refusal reason 1 –

- Questions consideration of the prominence of the roof lights from the front and side as indicated by the council. All of the six conservation-style rooflights, two on the front and four of the west -facing side, were installed below the ridge at purlin level. Similar roof lights are present on adjacent terrace properties including No 2 Kileen Terrace. The front façade includes a parapet that partly hides the front roof slope, particularly from St Margarets Road, meaning that its character remains largely unaffected.
- The first party is willing to accept a condition that omits rooflights 1 to the front and rooflight 6 to the side. The attic conversion encompasses the existing building volume, there was no change to ridge height, pitch or overall massing as a result of the insertion of the attic.
- The vents have been replaced with discrete, flush mounted recessed aluminium grille vents finished to match the existing façade. These is necessary to ensure proper ventilation and is reflected in the policy under HCAP 28 which allows for such interventions.

6.1.3. Response to refusal reason 2-

- The council claim that the front curtilage has been radically altered and reduced to a level where it is dominated by car parking. It is unclear on what basis this claim is made beyond the permitted front curtilage as shown under F19A/0594. The only noticeable difference being the small planted island area to the front. This was indicated into an area, that was not actually in existence to the front of no 2.
- A slightly similar planted area was indicated to the front under the current application with the bin store being hidden and a small increase in the space used for parking due to the need to include for a disabled car parking space. It also clear that hedging behind the iron railing along Main Street, provide a significant visual screening to the car park and mitigates any concerns the Council had in terms of the impact on the ACA. Whilst it is submitted that the proposal will have a positive impact on the front curtilage, which is currently with no planting, the alternative scheme will further implement it in improving it to a level above that envisaged under the 2019 permission. We request the

Board overturn this aspect of the decision and conclude that the proposed development would be fully in accordance with Objective HCA 024 and should be granted permission.

6.1.4. Response to refusal reason 3 –

- The refusal reason relates to the overall reduction in the quantity and quality of open space provision provided. A number of recommendations are proposed under this scheme including removal of external storage unit to the south west corner of the building and extend the communal open space around the side and west of the property. It is also proposed to realign the boundary between 1 Kileen Terrace and Feenagh to being straight and to remove the 5sqm of the gym associated with the Feenagh property. These changes double the available communal open space to 73sqm an only 8sqm reduction on what was approved under the 2019 application.
- The communal open space complies with the Design Standards for new apartments where a minimum open space requirement of 32sqm is required. There is also an abundance of public amenity space within a few hundred meters of the development site, specifically Malahide Castle & Gardens located to the west of the site. Section 14.6 of the Fingal County Development Plan 2023-2029 recognises that it is always not possible to adhere to minimum standards with respect to re-use and renovation of historic buildings.

6.2. Planning Authority Response

Response submitted on 7th of August 2025

- The proposed retention of attic development and associated works have been subject to appeal (Ref F23A/0372, ABP 317986-23) in which permission was refused. It is considered by the planning authority that the subsequent application submitted has not overcome the reasons for refusal and would be contrary to HCAP 12 of the Fingal Development Plan 2023 -2029.

6.3. Observations

- None

7.0 Assessment

- 7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Background/ Planning History
- Rooflight/ Vents
- Front Curtilage
- Open Space
- AA Screening.

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands zoned TC – Town and District Centre under the Fingal Development Plan 2023–2029, where the stated zoning objective is:

“To protect, provide for and/or improve major town centre facilities.”

The objective seeks to promote the consolidation and enhancement of town centre functions through appropriate mixed-use development, including residential uses, which contribute to the vitality and viability of the area.

In this context, the planning authority accepted in principle the renovation of the existing structure and the provision of an additional apartment, noting that the proposal aligns with the town centre zoning objective.

- 7.2.2. The subject building is a Protected Structure located within an Architectural Conservation Area (ACA). Objective HCA026 of the Development Plan relates to the use of Protected Structures and states:

“Where required to support active use or facilitate suitable adaptive re-use of Protected Structures, the Council may, in certain circumstances, consider the relaxation of site zoning restrictions to secure the preservation and conservation of

the Protected Structure, where the proposed use is compatible with the existing structure.”

7.2.3. In this instance, the proposed development is permitted under the TC zoning objective and therefore does not rely upon Objective HCA026 to justify the use. Nonetheless, the objective reinforces the Development Plan’s supportive approach towards the adaptive re-use and sensitive redevelopment of Protected Structures, consistent with best conservation practice.

7.2.4. The proposal seeks retention permission for the following elements:

- Conversion of the attic into a single one-bedroom apartment at third-floor level, with a newly constructed private internal stair access;
- Installation of two conservation-style rooflights to the front elevation and four rooflights to the west elevation overlooking St. Margaret’s Road;
- Inclusion of ventilation openings to the west elevation;
- Relocation of two previously permitted rooflights to the rear elevation; and
- Closure of one side-facing, obscured sash window at first-floor level overlooking Fennagh House.
- The newly created apartment has a gross floor area of approximately 50 sq.m.

7.2.5. Having regard to the TC – Town and District Centre zoning objective, the Protected Structure designation, and the policy framework of the Fingal Development Plan 2023–2029, I am satisfied that the proposed development is acceptable in principle.

The proposal aligns with the Development Plan objectives supporting the adaptive reuse of historic buildings, as well as with national and regional planning policies promoting the efficient use of serviced urban lands and the provision of additional residential accommodation within established town centre areas.

Accordingly, I consider the proposed development to be acceptable in principle subject to detailed assessment of design, conservation impact, and residential amenity considerations.

7.3. Existing Building as refurbished

7.3.1. Killeen Terrace is part of the Malahide Architectural Conservation Core and has a Regency style (1800-1840). Unlike many classical buildings, it has an informal and

elegant appearance. The buildings are set back from the street and have large windows in full-height bay projections. This allows the residents to enjoy the front gardens while retaining some privacy from the street.

- 7.3.2. The NIAH appraisal for the building is Regional, with Category of special interest being Architectural, Artistic. The building forms part of an Architectural Conservation Area and has a high streetscape value. The external materials are good quality, and the overall plan form and elevation pattern to the upper floors remain mostly unchanged. The site is on Main Street, which is characterised by typical historic residential and market town buildings of various sizes, some containing retail outlets to the ground floor.
- 7.3.3. The building is a three-storey, end-of-terrace structure featuring a full-height canted bay. The property includes a shared courtyard at the front, accommodating parking space for up to five cars. Additionally, there are two ancillary buildings, a tank, and a bin store concealed by replanted hedging and a black-painted timber fence. Access to the rear is granted through motorized composite gates, leading to a shared open space and a plantroom. Surrounding the building is a French drain covered with pebbles. The front and rear areas are demarcated by a border of granite rectangle cobbles arranged in a brick bond pattern, while the private open spaces are paved with large square granite tiles in a grid formation.
- 7.3.4. The front and side walls are adorned with painted stucco render, featuring continuous courses and corner quoins at the side gable ends. The walls facing the rear are pebble dashed. Repair work has been conducted on the quoins, as well as the window sills and surrounds. The front and side fenestration and reveals are framed with decorative moulded plaster, and recently restored windows have been reinstated on the ground and first floors. On the third floor, new counterweighted timber sash windows have been installed, maintaining the original window arrangement. The front door pilasters, entablature, and tear drop lead fanlights have undergone restoration, with the original glazing and hand-painted decoration being refurbished. The roof is a double-pitched hipped roof re-slatted with Bangor blue natural slate, complemented by cast-iron rainwater drainpipes. Visible from the street are six conservation-style roof lights and three rendered chimney stacks, featuring corbelled detailing and traditional clay pots.

7.4. Background/ Planning History

7.4.1. F19A/024 – Permission Granted (2019)

Permission was granted by Fingal County Council for the renovation and reconfiguration of the existing Protected Structure, including re-roofing, replacement of timber sash windows, and a reduction in the number of apartments from six to five. The works also included the provision of two ground-floor private amenity areas, Velux rooflights to the side and rear, and the demolition and reconstruction of a dilapidated two-storey rear structure with a new two-tier flat-roof extension.

7.4.2. F23A/0372 / ABP-317986-23 – Permission Refused (2023)

Retention permission was sought for the conversion of the attic to a one-bedroom apartment, with associated rooflights, stair access, and other minor alterations to the previously permitted scheme. Additional elements included changes to boundary treatments, the installation of a screened water tank, generator, and storage unit, and alterations to the rear access and fencing.

Fingal County Council refused permission on three grounds, and this decision was upheld on appeal by An Bord Pleanála (Coimisiun Pleanála) . The Board determined that:

- The cumulative works adversely affected the character and setting of the Protected Structure, contrary to Objective HCAP12;
- Alterations to the shared front garden area, now dominated by car parking, diminished the special character of the Malahide Historic Core ACA, contrary to Objective HCA024; and
- The ad hoc addition of structures and overall site configuration resulted in inadequate private and communal amenity space, to the detriment of residential amenity.

Accordingly, the Board concluded that the development would be contrary to the proper planning and sustainable development of the area.

7.4.3. The current proposal seeks retention permission for the conversion of the attic space of the existing Protected Structure into a single one-bedroom apartment at third-floor level, accessed via a newly constructed private internal staircase.

The works also include the installation of two conservation-style rooflights to the front elevation, four rooflights to the west elevation overlooking St. Margaret's Road, and ventilation openings to the west elevation. In addition, the proposal includes the relocation of two previously permitted rooflights to the rear and the closure of a side-facing obscured sash window at first-floor level overlooking Fennagh House.

Changes are also proposed to front planting scheme, rear communal open space with removal of storage unit and reconfiguring rear boundary to previous boundary

The apartment has a stated gross floor area of approximately 50 sq.m, and no external alterations beyond those described are proposed.

The conservation officer and planning officer had no objection to the extent of internal alterations proposed for retention. The scope of the appeal will be limited to Rooflight/ Vents, Communal Open Space & front Curtilage.

7.5. Rooflights/Vents

7.5.1. The first reason for refusal issued by Fingal County Council refers to the assertion that a significant proportion of the works undertaken negatively affect the character of the Protected Structure. Specifically, the Planning Authority considered that the insertion of six rooflights on the prominent roof slopes of the front and west elevations, together with the provision of roof vents, the addition of ancillary structures within the rear open space, would collectively have a detrimental impact on the architectural character and setting of the Protected Structure.

7.5.2. In response, the applicant contends that the rooflights are not as visually prominent as interpreted by the Planning Authority. All six conservation-style rooflights are installed below the purlin level, consistent with best conservation practice.

Comparable rooflights are present on adjoining properties within the terrace, including No. 2 Killeen Terrace. Due to the parapet height, the rooflights are largely screened, and are only partially visible for a limited stretch of approximately 10 metres along the Main Street.

7.5.3. The applicant further indicates a willingness to accept a condition omitting the two rooflights on the front roof slope and one rooflight on the side elevation (facing St. Margaret's Road), thereby reducing the total number to four. The previously wall-mounted vents have also been replaced with discrete, flush aluminium grille vents, colour-matched to the existing façade to reduce visual impact.

- 7.5.4. Objective HCAP14 – Architectural Conservation Areas: Protect the special interest and character of all designated ACAs. Development within or affecting an ACA must contribute positively to its character and distinctiveness, and shall not harm buildings, spaces, or features that contribute positively to the area.

Objective HCAP12 – Interventions to Protected Structures: Ensure that all interventions are guided by architectural conservation principles, and are sympathetic, sensitive, and appropriate to the special interest, character, and setting of the Protected Structure.

- 7.5.5. On inspection of the site, I noted that the rooflights on the front slope were only partially visible from Main Street due to the parapet height and roof pitch. The adjoining property at No. 2 Killeen Terrace also contains rooflights of similar style and position. In this context, the visual impact of the rooflights is limited. The four rooflights on the St. Margaret's Road elevation are in my view not significantly prominent. These rooflights are conservation-style fittings of low profile that sit flush with the roof plane and do not materially detract from the building's character.
- 7.5.6. While the Conservation Officer expressed concern regarding the cumulative visual impact of the rooflights, I am satisfied that their scale, form, and location are consistent with conservation practice and do not adversely affect the special interest, appearance, or setting of the Protected Structure or the Malahide Historic Core ACA. The existing chimney profiles further mitigate any potential visual dominance. The revised flush-mounted aluminium ventilation grilles are unobtrusive and visually compatible with the host façade.
- 7.5.7. In this regard, I consider that the retention of the rooflights and ventilation grilles is acceptable, subject to a condition omitting one rooflight on the front elevation and one on the side elevation facing St. Margaret's Road. The proposal, as amended, would therefore comply with Objectives HCAP12 and HCAP14 of the Fingal.

7.6. Front Curtilage

- 7.6.1. The second reason for refusal issued by Fingal County Council relates to alterations to the shared front garden area/courtyard area of Killeen Terrace. The Planning Authority considered that the space, formerly an integral landscaped feature contributing to the special architectural character of the Protected Structure and the Malahide Historic Core ACA, has been substantially altered and is now dominated by

hardstanding and car parking. It was concluded that this change has eroded the special character and setting of the terrace.

- 7.6.2. The applicant contends that the layout of the front curtilage is broadly consistent with that permitted under Planning Ref. F19A/0594, with the only notable difference being the inclusion of a small planted island feature. The current arrangement provides five car parking spaces, including one accessible space. As part of the appeal, the applicant proposes additional landscaping measures, including new planting between Nos. 1 and 2 Killeen Terrace, a supplementary front planting bay, and a new boundary planting bed to further soften the visual appearance of the forecourt.
- 7.6.3. During my site inspection, I observed that access is provided from St. Margaret's Road and that Nos. 1–4 Killeen Terrace share an open forecourt area enclosed from public view by mature hedging and traditional iron railings. While the space is currently unfinished, the proposed introduction of additional planting, a central landscaped feature, and high-quality paving materials would significantly enhance its visual presentation. I note that the Planning Authority raised no specific objection to the bin store located to the front, which could be readily assimilated through the proposed planting scheme.
- 7.6.4. The red and blue line boundaries submitted with the application indicate that the applicant has control only over the frontage associated with No. 1 Killeen Terrace. While the overall shared curtilage between Nos. 1–4 is visually incoherent at present, I accept that the applicant cannot be held responsible for the entirety of this area. The proposed finishes comprising decorative paving, stone surfacing, and enhanced planting represent a sensitive and high-quality approach consistent with the character of the Protected Structure and the Architectural Conservation Area.
- 7.7. In this regard, I am satisfied that the proposed works to the front curtilage, as conditioned to ensure full completion and maintenance of landscaping, would not detract from the character or setting of the Protected Structure. Rather, the proposals would improve the visual quality of the immediate streetscape and would accord with Objective HCAP14 of the Fingal Development Plan 2023–2029, which seeks to protect and enhance the special character of designated Architectural Conservation Areas.

7.7.1. Open Space

The third reason for refusal issued by Fingal County Council concerns the cumulative effect of multiple ad hoc structures within the site, the lack of communal amenity space associated with the additional apartment, and an overall reduction in the quantity and quality of both private and communal open space. The Planning Authority considered that these factors, in combination, would detract from the residential amenities of current and future occupants of the building.

7.7.2. As part of the appeal submission, the applicant has provided a revised site layout designed to enhance residential amenity, open space provision and improve the setting of the Protected Structure. The revised proposal includes:

- Removal of the external storage units located at the south-west corner of the site;
- Extension of the communal open space area along the side and west of the property;
- Realignment of the boundary between No. 1 Killeen Terrace and Feenagh House to its original position, removing the 5 sq.m. area previously associated with the adjoining property;
- Relocation of the sprinkler tank to an underground position adjacent to the existing bin store at the north-west corner, thereby increasing the private amenity space associated with Apartment No. 1; and
- Installation of period-style metal railings and plinths, and replacement of the existing vehicular gate with a traditional pedestrian gate along St. Margaret's Road.

These revisions result in an overall communal open space area of approximately 73 sq.m., which, while marginally below the 2019 permitted provision, represents a significant improvement in terms of layout, functionality, and design coherence. Four apartments will have the benefit of this space to the rear of the building.

7.7.3. The removal of the ad hoc structures and the reinstatement of traditional boundary treatments constitute a positive intervention that will assist in safeguarding the architectural integrity of the Protected Structure, consistent with Objective HCAP12 of the Fingal Development Plan 2023–2029. The proposed landscaping, planting,

and period-appropriate finishes will reinstate a coherent and historically sympathetic setting, while also improving the residential amenity and overall legibility of the site.

- 7.7.4. I concur with the Planning Authority's earlier observation that the existing accumulation of structures within the site is visually discordant and unsympathetic to the character of the Protected Structure and the surrounding ACA. However, I consider that the revised layout now proposed represents a sensitive and appropriate design response. The removal of the three ancillary structures and the realignment of the rear boundary line will significantly improve both the setting of the building and the quality of communal amenity space available to residents.
- 7.7.5. In terms of quantum, the proposed 73 sq.m. of communal open space is considered adequate. Section 14.16 of the Fingal Development Plan acknowledges that a degree of flexibility in open space standards may be acceptable in the case of historic buildings where this facilitates sensitive refurbishment. Furthermore, the Sustainable Urban Housing: Design Standards for New Apartments (2024) indicate that 35 sq.m. of communal open space would be required in comparable developments. The proposal therefore meets and exceeds these requirements.
- 7.7.6. I also note the proximity of extensive public open space amenities, including Malahide Castle and Demesne, located within 200 metres of the site. In this context, the proposed level of private and communal amenity provision is satisfactory.
- 7.7.7. In conclusion, I am satisfied that the revised proposals provide a conservation gain through the removal of inappropriate structures, reinstatement of period boundary treatments, and enhancement of the communal open space. The development, as amended, would accord with Objectives HCAP12 and HCAP14 of the Fingal Development Plan 2023–2029, and would not detract from the character or setting of the Protected Structure or the Malahide Historic Core ACA.

7.8. Other Matters

It is noted that both attic conversions and renovations to restore/refurbish structure deemed to be "Protected Structures" in the County Development Plan, where the Council is satisfied that works substantially contribute to the conservation or restoration of the structure, are exempt from contributions

8.0 AA Screening

- 8.1.1. I have considered the retention development at , in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is not located adjacent to any European site. There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 8.1.2. The retention development comprises the conversion of a roof space to attic and permission for the removal of existing structures on site with a new landscaping scheme at 1 Killeen Terrace, Main Street, Malahide, County Dublin

- 8.1.3. 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 European Site. The reason for this conclusion is as follows;

- The nature and small scale of the development,
- The connection of wastewater into public sewerage system
- The location of the development site and distance from nearest European site(s),
- Taking account of the screening report/determination by the Planning Authority.

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

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required

9.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023–2029, the established residential use on site, and the nature of the protected structure on site, I consider that the retention development – The conversion of the attic into a single bedroom apartment at third floor level accords with Objective HCAP 12 and Objective HCAP 14 of the Fingal Development Plan 2023 – 2029. It is considered that the inclusion of conservation rooflights do not detract to an undue degree from the character of the protected structure or Malahide Historic Core ACA. The proposed planting scheme and removal of structures from the entire curtilage of the development, will allow for adequate amenity space and ensure the significance of the building as a protected structure is ensured. In this regard, it is considered that the development for retention and permission for landscaping and removal of structures would accord with Objective HCAP 12 regarding protecting the historical significance of protected structures and Objective HCAP 14 protecting the character of the Architectural Conservation Area.

Accordingly, I consider that the development as proposed for retention, accords with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the appeal documentation 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. a) Rooflight No 1 shall be removed from the front of the building and rooflight No 6 shall be removed from the side of the building as per the site layout Drawing number 300 supplied as part of the appeal.
- b) The existing gym structure to the rear of the building shall be removed and the original Killeen Terrace boundary shall be reinstated.
- c) The external storage structure and the sprinkler generator enclosure shall be removed from the curtilage of the property.
- d) All landscaping shall be carried out in full as per the site layout Drawing number 300 supplied as part of the appeal.
- e) The existing timber fencing erected along the western boundary of the site shall be removed and replaced with railing to match the existing parkland railing at the bell-mouthed entrance into the front garden of the building. Appropriate hedging shall be planted to the rear of this hedge.
- (f) The sliding gate which serves the amenity space to the rear of 1 Killeen Terrace shall be removed and replaced with a period style metal railing gate.

- Details with respect of the implementation of the above works above shall be agreed with the planning authority prior to the commencement of these works.
- The above works shall be completed within 12 months of the date of this permission.
- All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice

3. Car parking is not permitted in the amenity space provided to the rear or side of the building.

Reason: In the interests of residential amenity

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday 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: To safeguard the residential amenities of adjoining property in the vicinity

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.

Darragh Ryan
Planning Inspector

22nd of October 2025

Form 1 - EIA Pre-Screening

Case Reference	323051-25
Proposed Development Summary	Conversion of attic into one bedroom apartment
Development Address	1 Killeen Terrace, Main Street, Malahide, County Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ **Date:** _____