

**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Our Ref. FS5/057/22

Your Ref. ABP-315097-22

5<sup>th</sup> December, 2022

**Re: Whether the construction of a tennis court is or is not development or is or is not exempted development.  
Heather Cottage, Upper Cliff Road, Howth, County Dublin.**

Dear Sir/Madam,

I refer to your correspondence dated 16<sup>th</sup> November, 2022 regarding the above application.

The Planning Authority's comments are as follows:

This is an application for a **DECLARATION of EXEMPTED DEVELOPMENT** under **SECTION 5** of the Planning and Development Act 2000 as amended for a tennis court at Heather Cottage, Upper Cliff Road, Howth for Patrick O'Reilly.

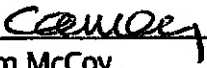
The planning authority made a determination based on the information submitted. The assessment was made relating to a tennis court as opposed to a 'pickleball' court as now suggested.

The submitted application is lacking in substantial detail. No drawings have been submitted with respect to the proposed development. The site slopes steeply and no cross sections have been given. This is of relevance as development within a residential curtilage that involves a change in level of 1m requires planning permission. It is not clear as to the extent of earth works that will be required to allow for a level tennis court.

In addition no details on proposed surfaces or ancillary details with respect to fences/boundary treatment for the tennis court have been given, although the applicant suggests that boundary treatment is not required for a pickleball court which is a development that was not suggested under the original section 5 application.

An Bord Pleanála is requested to uphold the decision of the Planning Authority.

Yours faithfully,

  
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Colm McCoy,  
Senior Planner.

Date: 05.12.22.