

Patrick o Reilly
Heather cottage ,
Upper cliff Road,
Howth ,
Dublin D13A326

Appeal decision of Fingal county council FS5/057/22

AN BORD PLEANÁLA	
LDG-	<u>059110-22</u>
ABP-	_____
15 NOV 2022	
Fee: €	<u>220</u> Type: <u>Chy</u>
Time:	_____ By: <u>post</u>

For the attention of An Bord Pleanala

Re: Fingal County Council decision made on October 20th 2022 in respect of my Section 5 Referral [FS5/057/22]

This Section 5 Application was lodged with Fingal County Council on October 12th 2022 and a Decision was issued on October 20th 2022.

The Planning Officer noted that there was a discrepancy between two lodged maps in respect of the location of the proposed Tennis Court.

There was indeed an error made in respect of the location of the Court which should have been located within the inner curtilage of Heather Cottage [residential curtilage] on both maps.

Heather Cottage has an inner curtilage and an outer curtilage [outer curtilage as defined in the Inspectors Report to a previous An Bord Pleanala Section 5 Decision RL2012]

One of the maps lodged with FS5/057/22] showed the location of the Tennis Court in the outer curtilage of Heather Cottage rather than the residential curtilage.

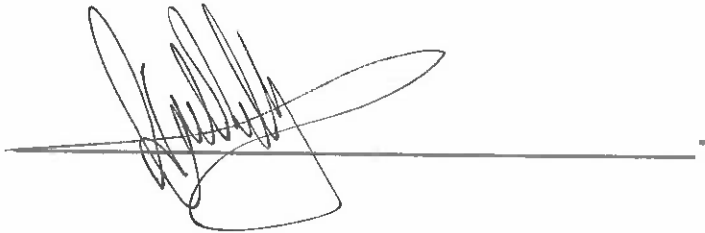
The Planning Officer referred to the Howth Head SAC in his report and Decision. It is my understanding that a proposed Tennis Court within a residential curtilage in the area covered by the Howth Head SAC is not affected by the presence of the Special Area of Conservation.

The area outlined in red on the Map submitted to Fingal County Council is in my ownership.

The Court size I propose to put in place is 13.5 metres x 6.0 metres and it is to be used for Pickleball which is a recent form of tennis. Picketball requires an area of less than one quarter that of a standard tennis court and needs no high surround netting.

In addition to this covering letter I am lodging a map showing the location of the proposed court and the appropriate fee for a Section 5 Appeal [€220]

Patrick O'Reilly [Applicant] Dated Nov. 10th 2022

A handwritten signature in black ink is written over a solid horizontal line. The signature is stylized and appears to read 'Patrick O'Reilly'.

LANE TO
HEATHER COTTAGE

BOUNDARY OF
HEATHER COTTAGE

PROPOSED
LOCATION

SEA

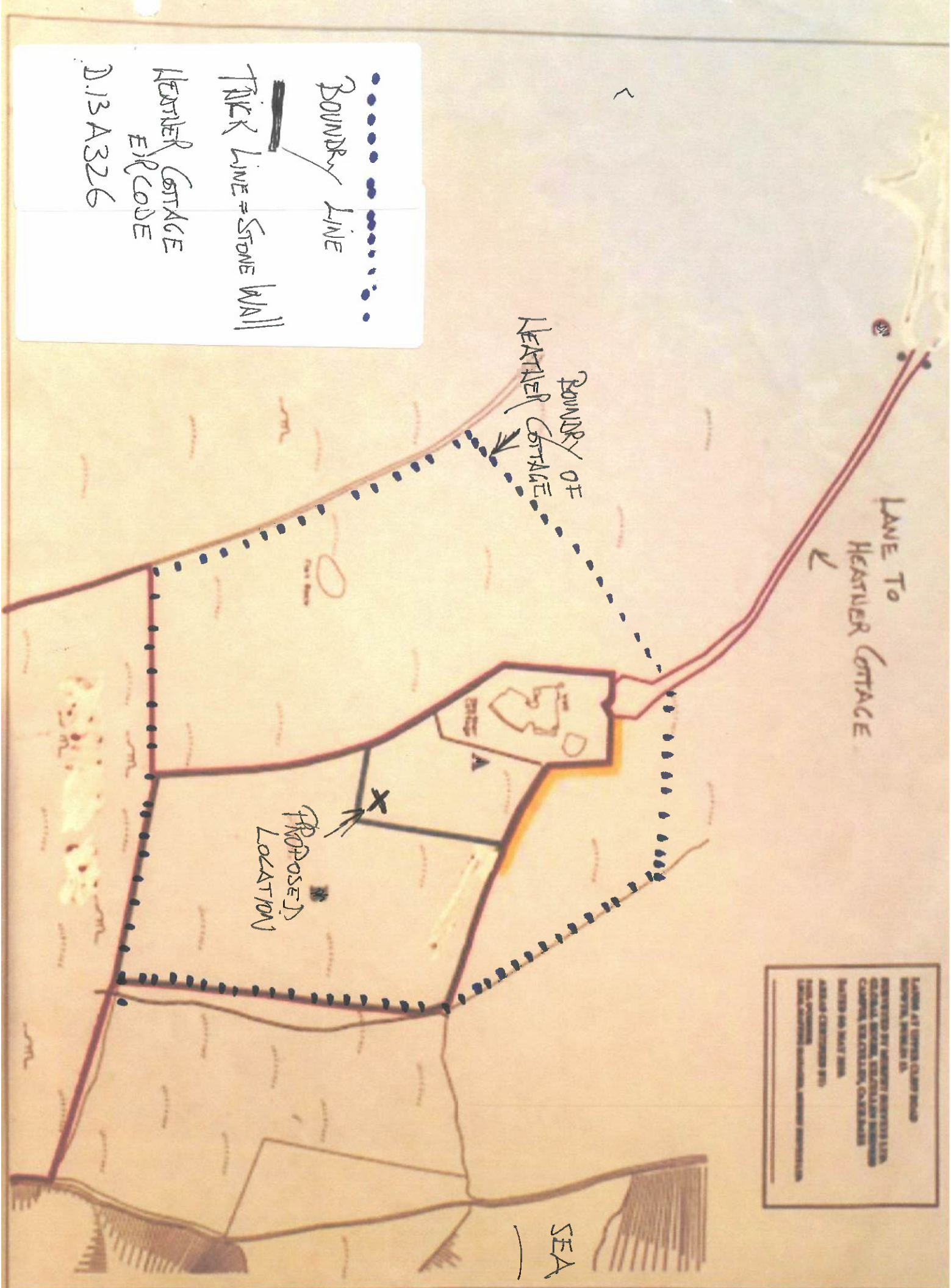
LAYOUT AT UPPER CLIFF ROAD
BOWYLA, PARISH ST.
REVISITED BY AIRBORNE SURVEYORS LTD
GENERAL DESIGN, ESTABLISHED RECORD
CARTON, BERTHOLD, OVERMAN
BUILT IN 1947
AREAS CHANGED BY
THE AIRBORNE SURVEYORS LTD
LOCAL AUTHORITY, AIRBORNE SURVEYORS LTD

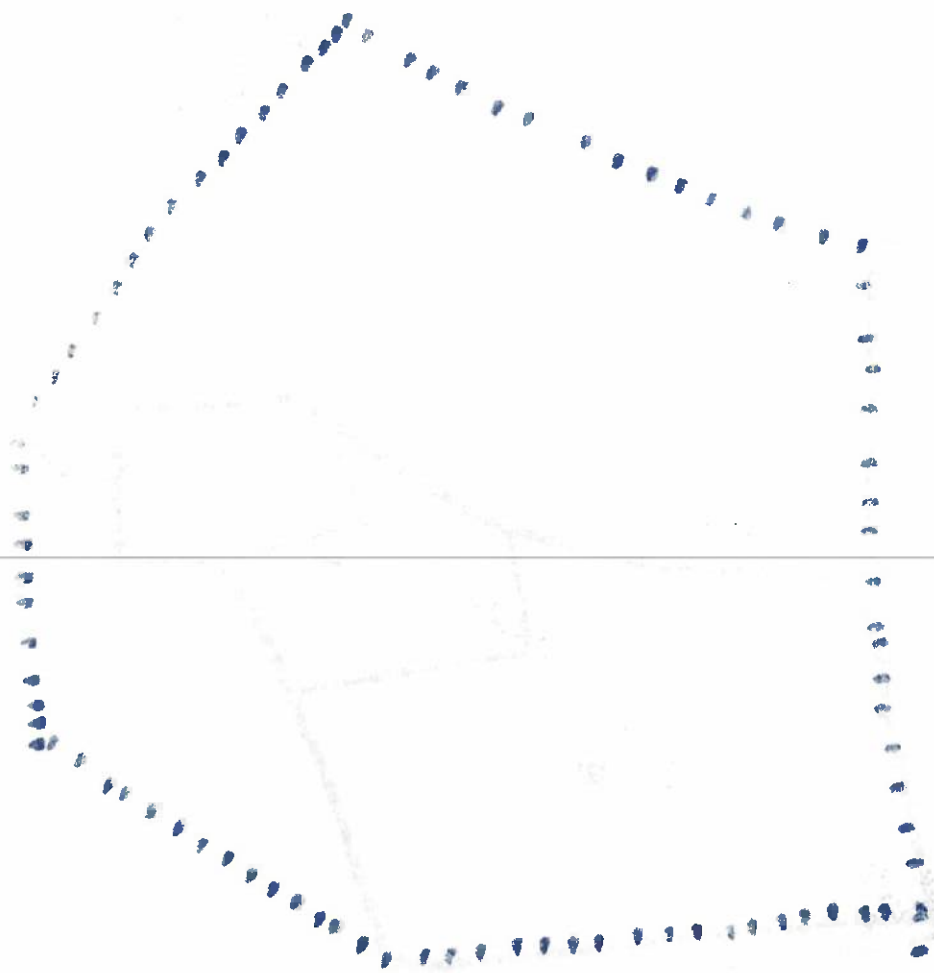
BOUNDARY LINE

THICK LINE = STONE WALL

HEATHER COTTAGE
EIR CODE

D.13A326





Handwritten text in a rectangular box, likely a title or description. The text is faint and difficult to read, but appears to contain several lines of information, possibly including a name and a date.



AN BORD PLEANÁLA

LDG- _____
ABP- _____

12 DEC 2022

Fee: € _____ Type: _____
Time: _____ By: *post*

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

Our Ref. FS5/057/22

Your Ref. ABP-315097-22

5th 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 16th 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

L.DG- _____

AGR- _____

1 5 DEC 2022

Fee: £ _____ Type: _____

Time: _____ Day: _____

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

Yours faithfully,

Colm McCoy
Colm McCoy,
Senior Planner.

Date: 05.12.22.

