

An
Bord
Pleanála

Board Order ABP-321524-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0912

Appeal by Brian Sherlock of 1 Westbrook Park, Balbriggan, County Dublin against the decision made on the 5th day of December, 2024 by Fingal County Council in relation to an application for permission for development comprising retention of a ground floor only detached building in the side/rear garden and retention of a Velux window to the front and side of the existing house roof and all ancillary works, all at 1 Westbrook Park, Balbriggan, County Dublin in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of the Velux window to the front and side of the existing house and to refuse permission for retention of the ground floor only detached building to the side and rear garden of the existing dwelling).

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to Section 14.10.4 (Garden Rooms) of the Fingal County Development Plan 2023-2029, the design, nature and scale of the single storey detached building to the side and rear of the existing dwelling relative to the remaining rear garden area within the curtilage of the site, the limited visual impact in the surrounding area, and the proposed use ancillary to the existing dwelling, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board also considered that the two Velux windows proposed to be retained, to the front and side of the existing house, would not negatively impact on the residential or visual amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

3. The single storey detached structure proposed to be retained shall be used only for purposes ancillary to the enjoyment of the existing dwelling, shall not be used for the purposes of a self-contained dwelling unit or for any commercial, business or industrial purposes, and shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

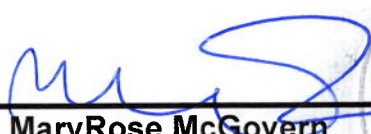
Reason: In the interest of orderly development and residential amenity.


4. No kitchen or bathroom facility shall be included within the single storey detached structure proposed to be retained, and revised drawings to this effect shall be submitted to the planning authority within three months of the date of this Order.

Reason: To ensure compliance with Section 14.10.4 of the Fingal County Development Plan 2023-2029.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.


Mary Rose McGovern
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 18th day of March 2025.