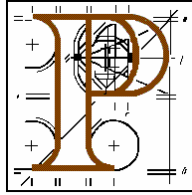


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Fingal County

Planning Register Reference Number: F10A/0538

An Bord Pleanála Reference Number: PL 06F.239468

APPEAL by Ronan MacDermott of 8 The Cove, Malahide, County Dublin against the decision made on the 29th day of July, 2011 by Fingal County Council to grant subject to conditions a permission to Anne and Fiona Maguire care of Edward Hogan and Associates of 4 Hanlon's Lane, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of two number detached two storey houses on infill site located to rear of existing dwelling "Greengates", Sea Road, Malahide and for permission for a vehicular access from The Cove, Malahide, County Dublin.

DECISION

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

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the area, the design, scale and siting of the proposed dwellings and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of July, 2011, 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. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that any future extension would not have a negative impact on the amenity of surrounding properties given the variations in ground levels and would not impact on the on site disposal of surface water.

3.
 - (a) Prior to the commencement of development, the developer shall submit details of the retaining walls to the south western, south eastern and north eastern boundaries of the site as indicated on drawing number MTC 1010-204 ai, including full structural drawings, elevations and typical cross sections taken at five metre intervals along each length of wall for the written agreement of the planning authority.
 - (b) The retaining wall forward of the front building line shall be no more one metre above existing ground levels.

Reason: To ensure a satisfactory standard of development and ground stability in the vicinity of the proposed development.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Roof colour shall be blue-black, black, or dark grey in colour only.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The following transportation and road layout requirements shall be complied with in the development:

- (i) Parking for two cars shall be provided for within the curtilage of each dwelling site.
- (ii) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Council's Area Engineer.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated as necessary as part of the site development works.

Reason: In the interest of visual and residential amenity.

8. The following requirements shall be met in the development:

- (i) Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays 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.
- (ii) No deliveries of materials, plant or machinery shall take place before 0800 hours or after 1900 hours.

Reason: In order to safeguard the amenities of property in the vicinity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs.
 - (ii) Details of boundary planting.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The windows serving all bathrooms and en-suite bathrooms shall be fitted and thereafter permanently maintained with obscure glazing.

Reason: In the interest of residential amenity and to prevent overlooking of adjoining properties.

11. 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. The contribution shall be paid prior to the commencement of development 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2012.