



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0201

Appeal by Eibhlin Hudson of The Tides, Hands Lane, Rush, County Dublin against the decision made on the 7th day of February, 2020 by Fingal County Council to grant subject to conditions a permission to D. O'Loughlin and Company Limited care of Bell Associates of Executive House, Whitestown Road, Rush, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Demolition of existing outhouses. (2) Construction of new two-storey detached dwelling house and associated site works with proposed vehicular access, all at Hands Lane, Rush, County Dublin, as revised by the further public notice received by the planning authority on the 15th day of January, 2020.

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 of the subject site, to the nature, scale and position of the proposed dwelling and to the 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 visual amenities of the area, or the amenity of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development on this backland residential site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documents submitted with the application and the appeal and shared the view of the planning authority, as expressed in the Planning Officer's report, that subsequent to the reduction in the scale and footprint of the proposed dwelling, as set out in response to a request for further information, the proposed development would not lead to undue impacts on the visual amenity of the adjoining area or the amenity of adjacent property.

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 20th day of December, 2019, 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. All windows at first floor level on the east and west elevations of the proposed dwelling shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

3. The following requirements in relation to access and parking shall be carried out in full:
 - (a) Parking for two cars shall be provided within the curtilage of the site along with an adequate turning area.
 - (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 0.9 metres.

- (c) All stormwater shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.
- (d) No gate shall open outwards onto/across a public footpath or public roadway.

Details setting out these requirements shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interests of traffic safety and amenity.

- 4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof slates shall be blue/black.

Reason: in the interest of visual amenity.

- 5. Water supply and drainage arrangements, including the disposal and attenuation 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. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: in the interests of orderly development and the visual amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

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

9. 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 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 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.

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

Dated this day of 2020.