



An  
Bord  
Pleanála

**Board Direction  
PL06F.248351**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on July 10<sup>th</sup> 2017.

The Board decided to make a split decision, to

- (1) grant permission, for the reasons and considerations and subject to the conditions set out at (1) below, for (a) demolition of existing single storey kitchen and utility to the north west elevation and its replacement by a smaller single storey utility extension thus reverting the dwelling to a detached dwelling; (b) the construction of a single storey rear bay window extension to the south west elevation; (c) the construction of a two storey extension to the south-west elevation with solar panels, skylights, windows and internal alterations; (d) widening of existing vehicular access off Carrickbrack Lawn and installation of gates, and the creation of a new vehicular access off Carrickbrack Road and installation of gates; (e) the raising of existing external boundary wall and installing of railings and replacing pedestrian gates; (f) installation of new soak pits to treat and dispose of surface water from areas of new development, and all associated site works.

and

- (2) refuse permission for part demolition of existing garage and extension to existing garage to include new family flat with loft, for the reasons and considerations set out at (2) below.

(1) Reasons and Considerations

Having regard to the pattern of development in the area, the provisions of the current Fingal County Development Plan and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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, 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. The proposed development shall be amended as follows:-
  - (a) The two storey stairwell projection proposed to the south-east elevation shall be omitted and the proposed stairwell windows incorporated into the revised south-eastern elevation. A pitched roof shall be utilised on that part of the extended south-western roof plane previously proposed as a flat roof, to provide for integration of the main roof with the proposed hipped pitched roof of the two storey extension.
  - (b) The proposed pillars shall be the same height as the existing pillars
  - (c) The proposed railing above the raised 84 cm high boundary wall shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The entire premises shall be used as a single dwelling unit.

**Reason:** in the interest of residential amenity.

4. The external finishes of the proposed development shall be the same as those of the existing dwelling, in colour and texture.

**Reason:** In the interest of visual amenity.

5. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass.

**Reason:** in the interest of residential amenity.

6. Prior to commencement of development, a detailed construction management plan and demolition methodology, which shall provide for measures to ensure that there is no damage to the adjoining property at number 46 Carrickbrack Heath when the proposed demolition of the existing single storey kitchen and utility room structure is carried out, shall be submitted to, and agreed in writing with, the planning authority. This shall also ensure that the section of the boundary wall shared with that property which would be exposed to the elements after demolition of the existing side extension shall be rendered and made weather proof.

**Reason:** in the interest of protecting the residential amenities of adjoining property.

7. 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

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 the interests of residential amenity and proper development.

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. 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.

## **(2) Reasons and Considerations**

1 – 2. As PA's refusal reasons 1 and 2.

**Note:** The Board decided to consider the application as if it had been made to it in the first instance, rather than limiting itself to consideration solely of the conditions that had been appealed (as had been done by the Inspector), in the light of the nature of the original planning authority decision (which was a split decision), and in the light of the observation received by the Board. However, the Board concurred generally with the recommendation of the Inspector in relation to the specific issues raised in the conditions that had been the subject of the first party appeal.

*[Please issue a copy of this Direction with the Board Order]*

**Board Member:**

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Philip Jones

**Date:** 10<sup>th</sup> July 2017