



An
Bord
Pleanála

Board Direction
BD-005318-20
ABP-306127-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan, 2017-2023, and to the nature, and scale of the proposed development, the Board considered that subject to compliance with the following conditions, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Natura impact statement submitted with the application. The Board concurred with the examination and conclusions of the Inspector in relation to Appropriate Assessment and was satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), Rogerstown Estuary Special Protection Area (Site Code: 004015), and Rogerstown Estuary Special Area of Conservation (Site Code: 000208), or any other European site, in view of the site's Conservation Objectives. In doing so, the Board adopted the Inspector's report in this regard.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 13th day of September, 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. The proposed dwelling shall be occupied as a single residential unit and it shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. All windows on the northern and southern elevation at first floor level shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of the residential amenities of the area.

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.

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 flat roof to the rear of the dwelling shall not be used as a balcony/additional amenity space and no access from the house shall be provided from the first-floor level internal space without a prior grant of permission.

Reason: In the interest of the residential amenities of the area.

7. The following requirements of the Planning Authority shall be complied with in full:

- (a) The front boundary wall shall not exceed a maximum height of 900mm.
- (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (c) A footpath shall be provided by the applicant as part of the proposed development along the front boundary of the proposed development, in line with the existing footpaths to the north and south. Details shall be agreed with the Area Engineer.
- (d) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Planning Authority.
- (e) No gate shall open across a public footpath/roadway.
- (f) All underground or overhead services shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
- (g) All stormwater shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.
- (h) All the above works shall be carried out at the developer's expense according to the specification and conditions of Fingal County Council.

Reason: In the interests of public health and in order to ensure adequate drainage provision.

8. Prior to 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.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. This plan shall also provide details of the mitigation measures set out in the document titled ‘Natura Impact Statement in Support of the Appropriate Assessment’ submitted with this application, the details of the intended demolition and construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of sustainable waste management.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground throughout the entire site.

Reason: In the interests of visual and residential amenity.

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, as amended. The contribution shall be paid prior to 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.

Board Member

Date: 06/03/2020

Paul Hyde