



An
Bord
Pleanála

Board Direction
BD-011784-23
ABP-313046-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/02/2023.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the residential zoning of the site under the Fingal Development Plan 2017 – 2023 in which residential development is permitted, to the specific nature of the subject site and to the form and design of the proposed development. The Board considered that subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area including the residential amenities of property in the vicinity, would not adversely affect the architectural character of the area and would otherwise be consistent with the policies and objectives of the Fingal County Development Plan 2017 – 2023. The proposed development would therefore be in accordance with proper planning and sustainable development of the area.

The Board noted the concern of the planning inspector with regard to the detached form of the proposed development and the perceived complexity of the front elevation. However, having considered the totality of documentation on file including the report of the Conservation Officer of Fingal County Council the Board shared the view of the Planning Authority that the proposed development would provide a sensitive though contemporary addition to the streetscape at this location within an

Architectural Conservation Area. Specifically, the Board concluded that no material adverse effect on this streetscape would arise due to the detached nature of the building or front elevational treatment.

The Board noted the Inspectors recommended reason number 2 relating to the potential overbearing of the proposed development of adjoining property to the south however shared the view of the Planning Authority that consequence to a reduction in the building form as proposed in Condition number 2 of the Planning Authority's permission which is consider reasonable, that the proposed development would constitute an appropriate scale and form on this specific infill urban site and would not overbear on the adjoining property.

Conditions

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. The proposed dwelling shall be amended as follows: (i) Reducing the depth of the proposed development at ground floor level by 3m and reducing the depth at first floor level by 700mm. As a result of the amendments the rear elevation of the proposed dwelling shall match at ground floor and first floor (ii) Omitting the first-floor terrace to the rear.

Reason: In the interest of residential amenity.

3. The materials and finishes of the dwelling shall be as per drawings submitted. Any changes to these shall be agreed in writing with the Planning Authority prior to commencement of development

Reason: In the interest of clarity.

4. That the permitted unit be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations 2001 (as amended).

Reason: To prevent unauthorised development.

5. The development shall not impact on the north-western boundary wall unless otherwise agreed by the adjoining neighbouring landowners.

Reason: In the interests of residential amenity.

6. All bathroom/ en suite windows shall be fitted and permanently maintained with obscure glass, use of film is not acceptable.

Reason: In the interests of residential amenity.

7. The applicant shall comply with the following: a. Prior to commencement of construction the developer shall submit an approved SuDS (Sustainable Drainage System) based surface water drainage proposal, including design calculations, following the principles of and in compliance with the GDSDS (Greater Dublin Strategic Drainage Study, 2005). Given the constrained size of the site, it is acknowledged that the scope for SuDS is limited, in this regards the developer should consider integrated rainwater harvesting, green roofs, infiltration pavements, bio-retention gardens, etc b. No surface water/rainwater shall discharge into the foul sewer system under any circumstances. c. The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.

Reason: In the interest of the proper planning and sustainable development for the area.

8. Development described in Class 1 or 3 of part 1 of the Second Schedule to the Local Government (Planning and Development) Regulations, 2001 shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission

Reason: In the interest of residential amenity

9. Prior to commencement of construction the developer shall apply for and sign a connection agreement with Irish Water, where it is proposed to connect to a public water/wastewater network operated by Irish Water. The developer shall adhere to the standards and conditions set out in said agreement.

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

10. All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense REASON: In the interest of the proper planning and sustainable development for the area. 8. The developer shall comply in full with the following:

a. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

b. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

11. The following requirements shall be complied with in full;

a. The hours of construction shall be restricted to 0800 to 1900. Monday to Friday, and 0800 to 1400 on Saturdays.

b. No construction activities shall take place on site on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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



Peter Mullan

Date: 14/02/2023

