

An  
Bord  
Pleanála

**Board Direction**  
**BD-015044-24**  
**ABP-315492-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/01/2024.

The Board decided by a split vote (2:1) to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the pattern and character of existing residential development in the area, to the design, scale and use of the proposed development and noting the provisions of the Fingal Development Plan 2022-2028, including policy SPQHP2 that provides support for the provision of family flats on suitable sites within established areas and related Objective SPQH06 that sets out specific criteria including that family flats can be considered acceptable for a member of the family with a demonstrated need, it is considered that the proposed family flat element of the development stated to be for a sister in law of the applicant for her use during her time as a third level student, meets the criteria set out in Objective SPQH06.

Furthermore, it is considered that, subject to compliance with the conditions set out below, the proposed overall development including the granny flat element at ground floor and house extension at first floor would be in accordance with the 'RS' zoning objective for the site, would not detract from the visual amenity of the area, would not seriously injure the residential amenity of surrounding properties and would not endanger public safety by reason of traffic generation or otherwise. 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 including the 'granny flat' element shall not be sold or let independently of the main house and, when no longer required for use as a 'granny flat' for a family member, the use of that part of the proposed development shall revert to use as part of the host house.

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

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 order to safeguard the residential amenities of property in the vicinity.

4. Surface water drainage arrangements, including the 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.

5. 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.

**Note:**

In deciding not to accept the inspector's recommendation to refuse permission, the Board noted and shared the view expressed by the inspector that the size of the site is suitable for an extension of the scale and form proposed. However, the Board did not share the inspector's conclusion that the family flat element of the proposed development fails to accord with Policy SPQHP42 and Objective SPQHO46 of the Fingal County Development Plan, 2023-2029. The Board was satisfied that the proposed 'family flat' element is supported by the provisions of the development plan, including Objective SPQH06 requiring that specific criteria are met, including that a family flat would be considered for a member of the family with a demonstrated need. In this regard, the Board was satisfied that the stated proposal that the 'family flat' proposed to be occupied by the applicant's sister in law during her time as a third level student and the related details provided, adequately meets the required criteria Objective SPQH06 and the granny flat development is also supported by Policy SPQHP42.

**Board Member**

  
Patricia Calleary.

**Date:** 12/01/2024