



An
Bord
Pleanála

Board Direction
BD-016708-24
ABP-318427-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/06/2024.

The Board decided by majority decision (2:1) 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 2023-2029, including the RS zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard and would be in accordance with Objectives DMSO31 and Objective SPQHO42 of the Fingal Development Plan 2023-2029, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application on the 28 th day of August 2023, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of clarity.
2.	Prior to commencement of development, the Applicant shall enter into water and wastewater connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices. Reason: In the interest of public health.
3.	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.
4.	The design and layout of the proposed vehicular entrance shall comply with the requirements of the Planning Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of proper planning and sustainable development.
5.	Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), or any statutory provision modifying or replacing them, 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.

6.	<p>Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Fridays inclusive, between 09:00 to 14:00 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
7.	<p>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 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.</p>

Note: Notwithstanding the Inspector's consideration of the matter, the Board considered that the proposed development which is an amendment of an existing permitted development would not adversely impact on the character of the area or the local environment, would respect the prevailing height and scale of adjoining residential units notwithstanding its additional floor level and, therefore, would not constitute a material contravention of the Fingal County Development Plan 2022-2028.

Board Member

Joe Boland

Date: 19/06/2024