

An
Bord
Pleanála

Board Direction
BD-017975-24
ABP-319031-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/10/2024.

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 RS zoning of the Fingal Development Plan 2023-2029 'to provide for residential development and protect and improve residential amenity' and the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would accord with relevant policies and objectives of the development plan including Section 14.10.2 (Residential Extensions) and would not injure the residential or visual amenities of the area. 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 as amended by the further plans and particulars received by An Bord Pleanála on the 8th day of March, 2024, 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 following measures in respect of the existing foul sewage line, which serves adjacent houses and traverses the site, shall be undertaken:-
 - a) 9 Georgian Village shall be connected to the reconstructed foul sewage line,
 - b) An amended configuration of the proposed external store shall be made so that the existing manhole is fully accessible,
 - c) Any part of the proposed external store which is to be located over the common drainage line is to be founded using an appropriate foundation solution, i.e. supported on mini piles,
 - d) A survey of the section of the private drain traversing the subject site shall be undertaken prior to, and post construction, and repair of any defects caused by the construction shall be undertaken, and
 - e) There shall be an ongoing right of access by third parties for the purpose of maintaining the private drain.

Reason: In the interest of public health

3. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, 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

4. The plant/store outbuilding shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying out of any trade or business.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development

6. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health

7. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: in the interest of public health

8. Arrangements for the pedestrian entrance and public footpath shall comply with the requirements for such works and shall be at the developers expense.

Reason: In the interest of traffic and pedestrian safety

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

Reason: In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 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.


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. 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.

Note:

Noting the recommendation of the Inspector that the private sewer which traverses the site should be constructed to connect between manholes A and B, based on documentation provided by the appellant, the Board considered that it is not appropriate to impose changes to the existing physical infrastructure by condition, in the absence of a professional engineering assessment of this aspect of the proposed development. The Board agreed with the Inspector that it is appropriate to add the mitigation measures proposed by the applicant as conditions to be adhered to. These have been included in condition number 2.

Board Member


Martina Hennessy

Date: 24/10/2024