

An
Bord
Pleanála

Board Direction
BD-017879-24
ABP-319193-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2024.

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:

- (i) the location of the site on lands zoned 'TC' (Town and District Centre), and the policy objectives and provisions in the Fingal County Development Plan, 2023 - 2029 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan, 2023 - 2029 and appendices contained therein,
- (iii) the location and specific characteristics of the site and the pattern of development in the surrounding area, including the site's partial location within the Castleknock Architectural Conservation Area,
- (iv) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,
- (vi) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018),
- (vii) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (viii) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (ix) the submissions and observations received, and
- (x) the report of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, which includes a requirement to restrict access to the eastern side of the terrace serving the penthouse level apartment for maintenance purposes only, the proposed development is of a scale, height, design, massing and form which would not adversely impact the residential amenity of existing properties within the site's vicinity and would not adversely impact or detract from the architectural character of the existing Protected Structures to the site's west and the Castleknock Architectural Conservation Area, within which the site is partially located. The proposed development is considered to be in accordance with the relevant policies and objectives of the current development plan for the area, notably, Policy HCAP14 and Objectives HCAO24, DMSO186 and DMSO187 in relation to Architectural Heritage Areas, is sympathetic to the site's historical setting and would comprise 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 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 terms and conditions of the grant of permission made under planning register reference number FW20A/0058 (An Bord Pleanála appeal reference number ABP-307889-20) and planning register reference number FW21A/0189 (An Bord Pleanála appeal reference number ABP-312431-22) shall be complied with in full in the course of the development herein permitted, save for the changes to the plans submitted with this application.

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

3. The proposed development shall be amended as follows:
 - (a) A brick finish, similar to what has been utilised on the principal elevations of the apartment building, shall be provided on facades of the lift and stair rise on the upper floor level.
 - (b) Access to the eastern side of the penthouse level terrace, where it is located adjacent to the living room and master bedroom shall be restricted.

Reason: In the interest of visual and residential amenity.

4. Access to the roof on the northern side of the apartment building shall be restricted to maintenance purposes only.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, revised plans shall be submitted to the planning authority for written agreement, which demonstrate bicycle parking provision for the penthouse apartment in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in Fingal County Development Plan, 2023 – 2029.

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

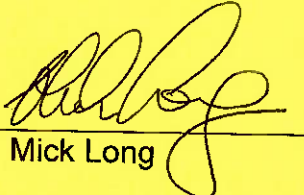
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 or 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.

7. The developer shall pay to the planning authority a financial contribution in lieu of public open space provision, in accordance with the terms of note 5 'open space shortfall' 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. The application or indexation required by this condition 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 shortfall in public open space for the purposes of this condition is set at 0.00875 hectares.

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


Mick Long

Date: 16/10/2024