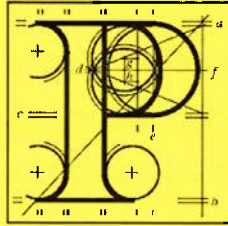


By majority (2:1)



An
Bord
Pleanála

Board Direction

BD-018052-24

ABP-319494-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/11/2024.

The Board decided by majority (2:1) to make a split decision, to

- (1) grant permission (subject to conditions) for the single storey extension to the rear of the dwelling and for the change of use of the existing ground floor garage / former childcare facility to a one bedroom family flat, in accordance with the submitted plans and particulars, including amendments received with the First Part Appeal, and based on the reasons and considerations marked **(1)** under, and subject to the conditions set out below; and
- (2) refuse permission for the detached dwelling in the side garden of the site, based on the reasons and considerations marked **(2)** under.

Reasons and Considerations (1)

Having regard to the provisions of the Fingal Development Plan 2023-2029, to the nature, scale and design of the proposed single storey rear extension and to the nature, scale and design of the proposed family flat, including the nature of the amended plans received with the appeal, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area and 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 11th day of April 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 family flat for a family member shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In the interest of orderly development and residential amenity.

3. The external finishes of the proposed extension and family flat shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The glazing to all bathroom windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. Prior to the occupation of the family flat, the alterations to the existing vehicular entrance, as shown on Drawing No. P.05 and P.08 submitted as part of the First Party Appeal to An Bord Pleanála on the 11th day of April 2024, shall be carried out and completed.

Reason: In the interest of clarity and road safety.


6. The independent family unit for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In the interest of residential amenity and to control the density of residential units

Reasons and Considerations (2)

Having regard to the restricted nature and prominent location of this corner site and to the established pattern of development in the surrounding neighbourhood, it is considered that the proposed side garden dwelling, by reason of its scale, mass and bulk, including separation from side boundaries, would constitute overdevelopment of a limited site area, would be visually obtrusive on the streetscape and out of character with development in the vicinity, contrary to Objectives SPQHO40 and SPQHO42 as set out in the Fingal Development Plan 2023-2029. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Board Member:


Declan Moore

Date: 04/11/2024