

An
Coimisiún
Pleanála

Direction
CD-020548-25
ABP-322449-25

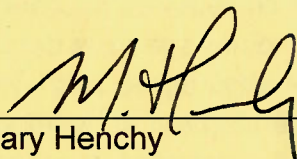
The submissions on this file and the Inspector's report were considered at a meeting held on 27/08/2025.

The Commission decided to grant permission (2:1), for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Date: 27/08/2025


Mary Henchy

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the whole of life report submitted with the appeal, the design of the existing structure and the variety of house types on this road the Commission considered the demolition of the existing house in this instance is acceptable and does not contravene policy CAP 8 of the Fingal County Development Plan 2023-2029.

The Commission considered having regard to the existing relationship between the current dwelling on the site and adjoining properties particularly the house to the south and the building line of the proposed house relative to the existing house, the site specific design of the proposed dwelling, the size of the plot relative to the dwelling proposed and the mix of house types on this road the proposed dwelling would not detract from the amenity of adjoining dwellings or the street scape. The proposed dwelling will therefore accord with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission had regard to the totality of the documents submitted including the Inspectors assessment and having reviewed the design statement, site layout and floor plan, in the context of the wider neighbourhood decided the design of the proposed house is site specific with the design taking particular regard to the amenity of adjoining property by stepping off the boundary and not detracting from the rear amenity space. The proposed dwelling while significantly larger than the structure on site is an appropriate design solution for this site.

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 Commission Pleanála on the 6th day of May 2025, 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 surface water requirements shall be implemented in full:

- Prior to commencement of construction the site-specific infiltration rate shall be confirmed by way of testing, and the design of the soakaways adjusted accordingly, if necessary.
- No surface water / rainwater is to discharge into the foul water system under any circumstances.
- The surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

Reason: In the interest of public health and surface water management.

3. The following transport requirements shall be implemented in full:

- No objects, structures, landscaping or planting shall be placed or installed within the visibility splays at the vehicular entrance (as defined by DMURS/TII DN GEO-03060 (Current Edition)) exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility splays.
- The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Council.
- The maximum width of the new dished section of footpath/kerb shall be 4.000m.
- Any works to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Councils' standards for taking-in-charge and to the satisfaction of the Council.
- All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location/depth, at the Developer's own expense and according to the Specification and Conditions of the relevant utility service provider/service owner/statutory undertaker.
- The developer shall comply in full with the following:
 - All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.
 - The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall either make good any damage to the satisfaction of the Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: In the interest of traffic safety and orderly development.

4. In accordance with the Fingal Biodiversity Action Plan 2023-2030 and the National Biodiversity Plan 2023-2030, to preserve ecological connectivity and integrity within urban and rural landscapes, no hedge or tree works shall occur between the 1st day of March and the 31st day of August of any year. These works include cutting, burning, grubbing, or otherwise destroying vegetation growing within any hedge or ditch during the period stated.

The proposed planting of a row of Yew tree (*Taxus baccata* 'Fastigiata') along the southern and eastern boundaries in compensation for the loss of *Cuprocuparis leylandii* trees shall be implemented in full no later than the first planting season following substantial completion of construction works. Any

plant failures shall be replaced until such time that planting has become established.

Reason: In the interest of biodiversity protection and enhancement

5. The internal noise levels, when measured at the windows of the proposed development, shall not exceed:
 - (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
 - (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity. **Note to drafting – is this the appropriate SD noise condition for dwellings near Dub Airport**

6. 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.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

8. 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 Coimisiún 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.