

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0301

An Bord Pleanála Reference Number: PL 06F.245485

APPEAL by Nicola and John Paul LeStrange care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin against the decision made on the 18th day of August, 2015 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The application to the planning authority was described as an application for permission for development comprising construction of single storey extensions to the front, rear and side of existing dwelling with a first floor dormer extension to the rear protruding above the existing ridge line with windows to the front façade, new roof lights to the front and rear existing roof; elevational alterations to all existing elevations with a new chimney, internal alterations to the existing layout, conversion of existing attic space, new entrance canopy at front of existing dwelling. The development also includes the relocation of the existing entrance driveway; landscaping and ancillary site development works necessary to facilitate the development. The Board has received revised proposals which comprise the following: altered ridgeline with two new rear facing dormer windows to the rear elevation, level increase to the two number chimneys to suit the new ridgeline, alterations to the ground floor rear elevation windows and to the first floor layout to suit the new roof plan, the addition of screening to the neighbouring property to the north in the rear garden by means of additional landscaping and two new ridge roof light windows to the front and rear elevations, all at 39 Offington Lawns, Sutton, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the site's location in an area zoned 'RS' in the Fingal Development Plan 2011-2017, which is a zoning objective that seeks to "provide for residential development and protect and improve residential amenity", to the nature and extent of the amended scheme submitted to An Bord Pleanála, to all documentation and submissions on file and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not injure the character of this suburban area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the modified scheme, submitted in response to the Board's further information request, would be acceptable in terms of the design in view of the varied character and layout of houses in this suburban area and further considered that the Inspector's concerns regarding privacy could be addressed by planning condition.

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 January, 2016 and by the revised public notices received by An Bord Pleanála on the 9th day of February, 2016, 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 proposed two number rear facing dormer windows shall be omitted and replaced with two number high level roof lights. Revised drawings showing this modification, and any ensuing modifications required to the internal floor layout, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential amenities of property in the vicinity.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.