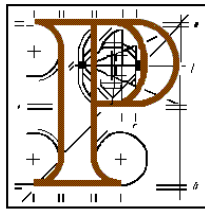


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: FW15A/0013

An Bord Pleanála Reference Number: PL 06F.245659

APPEAL by Mary O'Neill care of JFOC Design and Planning of 11a Greenmount House, Harold's Cross, Dublin and by Hollystown Demesne Management Limited care of Fisher Property Management of 13b Main Street, Ongar Village, Dublin against the decision made on the 29th day of September, 2015 by Fingal County Council to grant subject to conditions a permission to John Winston care of CK Architecture of 12a Kennelsfort Road Lower, Palmerstown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of four number detached pitched roof dwellings to side and rear (including one number bungalow and three number two-storey dwellings), enlargement of existing vehicular access, new access road, parking spaces, footpath, drainage system, lighting and all related works at Lily Cottage previously O'Neills Cottage, Hollystown, Dublin, as amended by the further public notice received by the planning authority on the 3rd day of September, 2015.

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 RV zoning objective in the Fingal County Development Plan 2011-2017 where residential development is permitted in principle, to the nature and extent of the development proposed 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 property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 submitted on the 28th day of August, 2015, 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. 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.

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

Reason: In the interest of visual amenity.

4. The internal road serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and traffic and pedestrian safety.

5.
 - (a) The proposed two metre high timber fence with concrete posts along the western boundary of the development's open space shall be omitted and shall be replaced with a two metre high render capped block wall.
 - (b) The proposed two metre high timber fence with concrete posts between unit type A and unit type B1 shall be omitted and shall be replaced with a two metre high render capped block wall.

Details of such shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

6.
 - (a) The developer shall not incorporate the erection of a gate, gateway, railing fence or wall within the front curtilage/front garden of the proposed four dwellings notwithstanding the provisions of Class 5, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
 - (b) Entrance gates shall not be erected on the access road leading to the proposed development.

Reason: To ensure the open plan layout is retained in the interest of visual amenity.

7. All WC's, bathrooms and ensuite windows shall be fitted and permanently maintained with obscure glazing.

Reason: In the interest of residential amenity.

8. Any attic floorspace which does not comply with relevant Building Regulations in respect of habitable standards and floor to ceiling heights shall not be used for human habitation and shall only be used for storage purposes.

Reason: In the interest of orderly development.

9. Noise mitigation measures as set out in the additional information received by the planning authority on the 28th day of August, 2015 shall be implemented in full.

Reason: In the interest of residential amenity.

10. Public lighting shall be provided in accordance with the scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of construction works. All loaded lorries and skips leaving/entering the site shall be covered with sheeting/tarpaulin and this covering shall be tied down.

Reason: To protect the amenities of the area.

13. Any damage to the surrounding public road shall be made good to the satisfaction of the planning authority.

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

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the dwellings are made available for occupation and these areas shall be maintained as public open space by the developer until taken in charge by the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

15. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations of materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian safety.

16. The developer shall pay to the planning authority a financial contribution of €7,981 (seven thousand, nine hundred and eighty one euro) in respect of public open space provision 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 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. The application of any 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 the Board to determine.

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.

17. The developer shall pay to the planning authority a financial contribution of €37,765 (thirty seven thousand, seven hundred and sixty five euro) 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 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. The application of any 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.

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.

18. Prior to the commencement of development the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled within an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of security shall be agreed between the planning authority and the developer or in default of agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

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

Dated this day of 2016.