

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0402

An Bord Pleanála Reference Number: PL 06F.246182

APPEAL by Patrick and Louise Rickard care of Joe Bonner of 127 Lower Baggot Street, Dublin against the decision made on the 22nd day of January, 2016 by Fingal County Council to grant subject to conditions a permission to Michael and Pamela Adderley Hilliard care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (i) Change of use of existing two storey dwelling to two independent dwelling units (new 4A and 4B); (ii) first floor extension of 29 square metres to new 4A, with balcony (5.7 square metres); (iii) ground floor extension to front of new 4A (29 square metres) and to rear of 4B (7.5 square metres); (iv) two number car parking spaces each to front of new 4A and 4B; and (v) all site development works including paving and landscaping at Dunbo Lodge, 4A Dunbo Hill, Howth, County 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 land-use zoning of the site 'residential' and 'town centre' and the existing pattern of development in the vicinity, 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, would not negatively impact on the character of the Architectural Conservation Area and would 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 17th day of December, 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. This permission authorises the subdivision of one existing residential unit to form two residential units.

Reason: In the interest of clarity.

3. Each premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purpose of the Planning and Development Regulations 2001, as amended.

Reason: In the interest of clarity.

4. (a) A revised proposal for the first floor rear elevation of unit 4A, comprising the omission of the first floor balcony and the insertion of a window of similar dimensions to the existing window at first floor level in the rear elevation of unit 4B shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) Options 1 and 2 proposed by the applicant as part of the Additional Information response submitted to the planning authority on the 17th day of December, 2015 are not permitted and the first floor shall not be extended beyond that which was indicated on drawing number MP/JK/12 received by the planning authority on the 28th day of August 2015.

Reason: In the interest of visual and residential amenity.

5. (a) The front elevation of the ground floor extension to house 4A shall be a minimum of 5.4 metres from the front boundary with the public road, as per drawing number MP/JK/15 received by the planning authority on the 17th day of December 2015.
- (b) Each dwelling shall accommodate two number off street car parking spaces.
- (c) Any required amendment to drawing number MP/JK/15 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (d) Traffic and parking arrangements, shall comply with the requirements of the planning authority.

Reason: In the interest of public and traffic safety.

6. The rear private open space of the proposed houses 4A and 4B shall be as indicated on drawing number MP/JK/15 received by the planning authority on the 17th day of December 2015.

Reason: In the interest of residential amenity.

7. 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.

8. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. The external finishes of the proposed development, including roof tiles, shall be the same as those of the existing building in respect of colour and texture.

Reason: In the interest of the visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. 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.