

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15B/0294

An Bord Pleanála Reference Number: PL 06F.246295

APPEAL by Phil and Joe Brangan-Bolger and others care of 18 Biscayne, Coast Road, Malahide, County Dublin against the decision made on the 22nd day of February, 2016 by Fingal County Council to grant subject to conditions a permission to Peter Plunkett care of Hanley Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of a two-storey extension to the rear of existing dwelling and all associated site works, all at 17 Biscayne, Malahide, 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 location of the site on residentially zoned lands as set out in the Fingal County Development Plan 2011-2017, to the nature and scale of the proposed domestic extension 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 residential amenities of adjoining properties or the visual amenities of the area. 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 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 to those Regulations shall be erected within the rear garden area without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard residential amenities of property in the vicinity.

4. 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.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure a proper standard of development.

6. 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.