

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0605

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APPEAL by Kate Connolly care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 24th day of February, 2016 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the change of use of a former single storey stable building for residential use. Full planning permission is also sought for a single storey extension to the same former stable building and replacement of the existing septic tank and percolation area with a pumped foul drainage system to connect to the existing public sewer along with all associated engineering, landscaping and site development works, all at Rock Cottage, Upper Cliff Road, 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 provisions of the Fingal County Development Plan, 2011 - 2017, and to the nature, limited scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed for retention would not adversely affect the residential or visual amenities of the area nor would it give rise to a traffic hazard or endanger the safety of other road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse planning permission for the proposed development on the grounds that it would materially contravene the Development Plan. However, the Board accepted the Planning Inspector's analysis, as set out in the Inspector's Report in respect of conflicting objectives in relation to residential development at this location, as set out in the Fingal County Development Plan 2011 – 2017 and the Howth Special Amenity Area Order. Accordingly, by virtue of Section 37(2)(b)(ii) of the Planning and Development Act, 2000, the Board was not constrained in granting planning permission for the proposed development.

CONDITIONS

1. The development shall be retained, 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. 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed residential unit shall be ancillary to the main dwelling and shall provide accommodation for immediate family of the residents of the main dwelling. The unit shall not be sold, let or otherwise conveyed save as part of the main dwelling unit.

Reason: To ensure that the dwelling unit is only used for the purposes proposed and not as an independent dwelling unit.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services. Details of the exact location of the foul sewer and private water supply and the proposed connection points to each of these services shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

4. The vehicular access and car parking spaces shall be provided in accordance with the site layout indicated on Drawing Number C14-18-100A and the front boundary wall shall be lowered to a maximum of 0.9 metres in order to provide for adequate sightlines.

Reason: In the interest of traffic safety.

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 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. 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 the Board 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.