

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: FW16A/0051

An Bord Pleanála Reference Number: PL 06F.246801

APPEAL by Gabriel and Roisin Shanley care of planning-appeals.ie of Tirnaneil, Monaghan, County Monaghan against the decision made on the 31st day of May, 2016 by Fingal County Council to grant subject to conditions a permission to Judith Rogers care of Eamonn Weber of 180 Rathgar Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of part of existing rear ground floor living area to provide additional floor space (20.23 square metres) to an existing previously approved playschool (planning register reference number F07A/0744) at side of the house. The expanded playschool will provide for six extra children between the ages 3-5 years giving a total of 16 children per each of the two daily sessions (8.45am-12.15pm and 1.00pm-4.30pm Monday to Friday at 21 Riverwood Chase, Castleknock, 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 planning history, the existing playschool use on the site and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed change of use for a playschool would not constitute overdevelopment of the site and would not seriously injure the residential 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. 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The part of the house used as a playschool shall not be separated from the main house and shall be operated by the resident of the dwelling. In particular, it shall not be sold or let independently of the main house and, when no longer required for use as a playschool, use of that part shall revert to use as part of the main house.

Reason: In the interest of residential amenity.

3. The proposed childcare facility shall not operate outside the period of 08.45 to 12.15 hours and 13.00 to 16.30 hours Monday to Friday inclusive except public holidays.

Reason: In the interest of residential amenity.

4. The number of children to be accommodated within the premises shall not exceed 16 per session. A register of attendance of the Childcare facility shall be maintained by the provider which shall be available for inspection at the request of the planning authority.

Reason: To limit the development in the interest of residential amenity.

5. No set-down parking or visitor parking shall be facilitated within the curtilage of the site. All parking within the curtilage shall be restricted to staff car parking and parking for the existing residential use only.

Reason: In the interest of traffic safety.

6. Within two months of the date of this order, the developer shall submit in writing to the planning authority confirmation of details and a timeframe for the installation of 12 millimetres full sound proof board to the wall with the adjoining semi-detached dwelling.

Reason: In the interest of the residential amenity of the surrounding area.

7. Water supply and drainage arrangements, including the 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. 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.