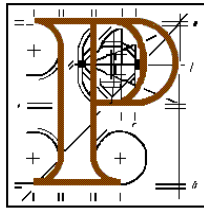


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Fingal County

**Planning Register Reference Number: F16A/0279**

An Bord Pleanála Reference Number: PL 06F.247232

**APPEAL** by Michele Ridgway of 'The Needles', Ceanchor Road, Howth, County Dublin against the decision made on the 12<sup>th</sup> day of August, 2016 by Fingal County Council to grant subject to conditions a permission to Conor and Emma Conneely care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Partial demolition of existing dwelling and subsequent reconstruction to provide a two-storey, four-bedroom dwelling with pitched roof and apex roof light, together with car parking, private open space, boundary treatment, landscaping, SuDS drainage, connection to existing on-site wastewater treatment system, and all associated works necessary to facilitate the development at 'Seamere', Ceanchor 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 nature, scale and design of the proposed development and to the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the residential amenities of adjoining or adjacent dwellings, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the nature and scale of the proposed development and to the existing development on site served by a septic tank and considered that the continued use of a septic tank to serve the dwelling pending future connection to the public sewer when it becomes available was acceptable.

## **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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The external finishes of the proposed dwelling (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The flat roof areas at first floor level shall not be used as balconies or terraces.

**Reason:** In the interest of residential amenity.

4. All bathroom/en-suite windows and the landing window at first floor level in the western side elevation of the dwelling shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

**Reason:** In the interest of residential amenity.

5. The stone wall along the western site boundary shall be protected during the course of demolition and construction works. Hoarding or other such protective measures shall be erected around the wall for the duration of the demolition and construction works.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

6. The developer shall implement all recommendations pertaining to tree retention as outlined within the submitted Arboricultural Report by the Tree File Limited, dated June 2016. All works to trees shall follow proper arboricultural techniques conforming to BS 3998:2010 Tree Works – Recommendations. Prior to commencement of development, a site meeting shall be arranged between the planning authority and the appointed arboricultural consultant to agree tree protection measures.

**Reason:** In the interest of visual amenity and to ensure the protection of trees to be retained within the site.

7. Details of proposed planting and boundary treatment shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The planting scheme for the site shall comply with the list of Suitable Species for Planting in the SAAO as per the Howth SAAO Design Guidelines. The approved planting scheme shall be carried out in the first planting season following the occupation of the dwelling. Any trees which, within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size and species.

**Reason:** In the interest of visual amenity and to ensure the proper planning and sustainable development of the area.

8. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the satisfactory protection and maintenance in good condition of trees on site during the course of development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory protection and maintenance of trees on site.
- (a) an approved insurance company bond in the sum of €30,000 (thirty thousand euro), or
  - (b) a cash sum of €30,000 (thirty thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
  - (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory protection and maintenance of trees on site.

9. 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.

10. 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.

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

**Dated this            day of            2017.**