

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F16B/0188

An Bord Pleanála Reference Number: PL 06F.247333

APPEAL by Winifred Hanway care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin against the decision made on the 1st day of September, 2016 by Fingal County Council to grant subject to conditions a permission to Maureen and John Phelan care of Gavin Buggy Architects of 8 Beech Park Avenue, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The development will consist of works to the side and first floor of the existing house comprising 48.2 square metres of accommodation at ground and first floor level with two new bedrooms, works including: (i) new single storey 12 square metres side extension bedroom at ground level, (ii) 2.2 square metres additional area to extended ground floor bathroom to rear of cottage, (iii) new first floor 34 square metres rear extension incorporating bedroom, ensuite bathroom, stair and study all under new first floor pitched roof to the rear of the property with gable end windows to both north and south faces and (iv) rebuilding of boundary wall of property onto Seaview Terrace using local stone. All at 38 Main Street, 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

The site of the proposed development is located within an area zoned for residential development and the protection of residential amenity in the Fingal County Development Plan 2011 to 2017 and in the architectural conservation area for Saint Nessan's Terrace/Saint Peter's Terrace/Seaview Terrace and The Haggard. Having regard to the existing residential use of the site, to the modest scale of the proposed development and the palette of materials proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area or the residential amenity of property in the vicinity and would, otherwise, be in accordance with the objectives of the Architectural Conservation Area and with the landuse zoning for the site as set out in the County Development Plan. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The first floor south facing window serving the landing/study area shall be fitted with obscure glazing.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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 2017.