

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Fingal County

Planning Register Reference Number: F16A/0125

An Bord Pleanála Reference Number: PL 06F.247355

APPEAL by Pascal and Renata Wynne of Carrickhill Lodge, Carrickhill Road, Portmarnock, County Dublin against the decision made on the 6th day of September, 2016 by Fingal County Council to grant subject to conditions a permission to Carrickhill Property Limited care of Derham Barry Architects of 22 South William Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the construction of first floor and ground floor extensions to front, sides and rear totalling 101.5 square metres, new driveway and new detached garage of 27.6 square metres to existing bungalow of 143 square metres, two number two-storey detached dwellings of 210 square metres each over part basement (incorporating double garages of 100 square metres and 56 square metres respectively); new detached dormer bungalow of 153 square metres, new driveway and new shed of 26 square metres; the redesign of the existing vehicular entrance and driveway from Carrickhill Road, with all associated drainage, landscaping and ancillary works at 'Ard Aulin', Carrickhill Road Upper, Portmarnock, 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, wherein the subject site is zoned ‘to provide for residential development and to protect and improve residential amenity’, to the planning history of the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not detract significantly from the visual amenity of the surrounding environment, and would be acceptable in terms of pedestrian and traffic safety. 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, as amended by the further plans and particulars, and the noise mitigation measures, submitted to the planning authority on the 11th day of August 2016, 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. Details of all existing and proposed boundary fencing/walling along the perimeter of the site and along common boundaries, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall include full provision to ensure the structural integrity of the southern boundary of the subject site, and provision to ensure that any surface water provision does not interfere with, or impact upon, the structural integrity of this common boundary.

Reason: In the interest of protecting the residential amenities of adjoining property.

3. A detailed landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This landscaping plan shall provide for the retention of trees along the southern and western boundaries of the site, where this can be achieved without compromising public safety and the longer-term stability of these trees. The landscaping plan shall also provide for replanting where such trees cannot be retained. Approved replanting shall be carried out in the first planting season following the substantial completion of the three dwellings hereby permitted, or, if the dwellings are constructed at different times, after the substantial completion of the nearest dwelling(s) to the relevant trees.

Reason: In the interest of visual and residential amenity.

4. Details of the materials, colours and textures of all of 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, taking into account the requirements of condition number 2 of this permission, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities of adjoining properties.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of clarity, orderly development and amenity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing overhead services shall be undergrounded at the developer's expense as part of the site development works.

Reason: In the interests of visual and residential amenity, and of the proper planning and sustainable development of the area.

9. The flat roof area at first floor level in House C shall not be used as a balcony or terrace.

Reason: In the interest of protecting the residential amenities of adjoining property.

10. All bathroom/en-suite windows of Houses A, B, C and D and also the landing at second floor level of House Type B shall be fitted and permanently maintained with obscure glass.

Reason: In the interest of residential amenity.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. 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.