

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Fingal County

Planning Register Reference Number: F16B/0203

An Bord Pleanála Reference Number: PL 06F.247453

APPEAL by Gerard and Marion Keating of Bell Heather, The Summit, New Road, Howth, County Dublin against the decision made on the 27th day of September, 2016 by Fingal County Council to grant subject to conditions a permission to Oliver Sewell and Gillian O'Callaghan of PAC Studio Limited of Tower 1, Fumbally Court, off Fumbally Lane, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Renovation and extension works consisting of the demolition of an existing single storey extension to the side and rear of existing two-storey semi-detached property to allow for construction of a new two-storey extension to the side and single storey extension to the rear of the property, measuring gross floor area of 113 square metres. Proposed works to comprise of new living, dining, kitchen, office, utility, WC at ground floor level and new bedroom and en-suite at first floor level. Works to existing to include replacement of all glazing, amendments to existing window opes and replacement of existing roof tiles, all landscaping, drainage and site services to be carried out in conjunction with proposal at 5 New 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 pattern of development in the vicinity of the site and to the nature, scale and extent of the proposed development, and having regard to the provisions of the current development plan for the area, it is considered that the proposed development, subject to compliance with the conditions set out below, and in particular the modifications to the proposed development in condition number 2 of this order, would not seriously injure the residential amenities of property in the vicinity, would comply with the provisions of the development plan, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 agreed with the Inspector that the first floor of the proposed extension would have an overbearing impact on the adjoining property to the north-east (that of the appellants) and would seriously injure the residential amenities of that property, but was of opinion that the ground floor of the proposed extension would not have a similar impact. Accordingly, the Board considered that the Inspector's concerns could be adequately dealt with by the omission, by condition, of the first floor extension, in the context of a grant of permission for the ground floor of the proposed extension.

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 proposed development shall be amended as follows:-
 - (a) The first floor section of the proposed development shall be omitted, and the proposed layout of the ground floor of the dwelling shall be altered to provide a revised location of the stairs internally within the existing dwelling, or alternatively provide for the retention of the existing stairs to the first floor.
 - (b) The proposed side gate shall be reduced to a maximum height of two metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of protecting the residential amenities of adjoining property, as it is considered that the proposed first floor extension, by reason of its height, bulk and location, would seriously injure the residential amenities of adjoining property to the north-east (marked as "property C" on submitted drawings), and in the interests of visual amenity.

3. Details of the external finishes of the proposed development, as modified by condition number 2 of this order, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The replacement roof tiles shall be the same colour as those on the roof of the adjoining property to the south-west (marked as "property A" on submitted drawings).

Reason: In the interest of visual amenity.

4. 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.

5. Site development and building works shall be carried only out 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.

6. 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 interests of clarity, orderly development and amenity.

7. 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.