

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Fingal County

Planning Register Reference Number: F16A/0419

An Bord Pleanála Reference Number: PL 06F.247722

APPEAL by Brian Gillespie and Pascal Letellier of 'Four Winds', Thormanby Road, Baily, Howth, County Dublin and by others against the decision made on the 17th day of November, 2016 by Fingal County Council to grant subject to conditions a permission to Ronan and Marion Rooney 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: Demolition of an existing five-bedroom, detached, two-storey dormer dwelling and detached single-storey domestic garage; and construction of a replacement four-bedroom, detached, part single, part two-storey, over basement, dwelling with attached domestic garage and garden pavilion; private amenity space to include, at ground floor level, a courtyard/walled garden and a south-east and south-west facing terrace and, at first floor level, one number south-west facing and one number north-east facing balcony/terrace serving the master bedroom; basement level to include domestic swimming pool and associated plant; decommissioning of existing septic tank and discharge trench and installation of new proprietary wastewater treatment system and percolation area; new soakways; alteration to existing vehicular entrance on the southern end of Thormanby Road to create a pedestrian-only gateway; upgrade of existing vehicular entrance on the northern end of Thormanby Road, including demolition and reconstruction of a section of the front boundary wall, and formation of new internal driveway; boundary treatment; landscaping; and all ancillary works necessary to facilitate the development at Long Acre, Thormanby 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 zoning of the site, the design and location of the proposed dwelling, its low elevation within the site and its orientation and distance from nearby property, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the amenity of residential property in the vicinity of the site, the landscape character of the area or protected views from public roads and footpaths and would be consistent with the policies and objectives of the Fingal County Development Plan 2017-2023 and the Howth Special Amenity Area Order 1999. 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 received by An Bord Pleanála on the 19th day of January 2017, 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:

The proposed vehicular entrance shall not be permitted and the existing vehicular access shall be used.

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 interest of visual amenity.

3. The landscaping scheme shown on drawing number DG116 Rev 3, as submitted to the planning authority on the 23rd day of September, 2016 shall be revised as follows.

(a) Revised boundary treatment, along Thormanby Road, and internal planting within the site to maximise views of Baily lighthouse and promontory from the public road, in perpetuity.

(b) Omission of Pinus Nigra along the northern boundary with Whitewater and their replacement with a native hedgerow species.

(c) A planting programme to the south-east of the proposed house shall be carried out with a view to countering the impact of the development when viewed from the footpath to the south east.

Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the drainage and water layouts, which demonstrate that the rooting systems of existing trees will not be impacted upon.

Reason: To protect existing trees in the coastal environment.

5. Samples of the proposed materials and external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works.

Reason: To protect the amenities of the area.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. 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.