



Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County

Planning Register Reference Number: F16A/0092

Appeal by Chris and Michelle Kennedy of 23 Ashleigh Lawn, Malahide, County Dublin and by David and Rachel Butler of 24 Ashleigh Lawn, Malahide, County Dublin against the decision made on the 21st day of November, 2016 by Fingal County Council to grant subject to conditions a permission to James, Jeffery and Jonathan Wright care of Peter W. Rafter Architects Limited of “Glandore”, College Road, Castleknock, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The demolition of existing dwelling at ‘Wyngate’ and the construction of a one and a half storey detached replacement dwelling and the construction of two number one and half storey detached dwellings to the rear of ‘Rahona’ with upgraded access through ‘Wyngate’ off Church Road and all associated site works at ‘Wyngate’ and ‘Rahona’, Church Road, Malahide, 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 residential zoning objective of the site, as set out in the Fingal County Development Plan 2017-2023, and to the pattern of existing residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of the property in the vicinity, 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 submitted on the 26th day of October 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. Prior to commencement of any building development, all tree and hedgerow removal, as indicated on drawings submitted on the 26th day of October 2016, shall be carried out, and the tree protection measures, as indicated on drawing number 160815-P-12 "Tree Protection Plan", submitted on the 26th day of October 2016, shall be provided before any construction machinery is brought onto the site, and before any foundations or services trenches are opened up.

Reason: In the interest of the protection of visual, residential and environmental amenities.

3. All planting/landscaping required to comply with the specification of the landscaping masterplan submitted to the planning authority on the 26th day of October, 2016 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of the protection of visual, residential and environmental amenities.

4. 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, in the sum of €15,000 (fifteen thousand euro), to secure the protection and satisfactory maintenance of specified trees on site, for a period of five years following construction. The form 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 protection and maintenance of the trees to be retained within the development.

5. 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. All attenuation provision shall take place outside the branch spread of trees which are identified in submitted documentation as to be retained.

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

6. All windows serving bathrooms and en-suite bathrooms/toilets shall be provided with opaque glazing, which shall be permanently maintained.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour of the proposed houses shall be blue-black, dark-grey or dark-brown in colour only, and the ridge tiles shall be the same colour as the roofs.

Reason: In the interest of visual amenity.

8. 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.

9. 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 public safety and residential amenity.

10. 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 over ground cables crossing or bounding the site shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

11. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

