

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Fingal County

Planning Register Reference Number: F16A/0261

An Bord Pleanála Reference Number: PL 06F.247764

APPEAL by Michael A. O'Neill of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 23rd day of November, 2016 by Fingal County Council to grant subject to conditions a permission to Joe Sweeney care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of an existing two-bedroom, detached single-storey dwelling and construction of a replacement two-bedroom detached single-storey dwelling (107 square metres), together with landscaping, drainage and all associated site works necessary to facilitate the development at Glenlion, 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 pattern of existing and permitted development in the area,
- the longstanding nature of the chalet to be demolished and the associated residential use of the chalet,
- the modest scale and low profile nature of the replacement building proposed, and its siting, and
- the proposals included in relation to landscaping and tree protection, and also in relation to wastewater treatment,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not impinge on the visual or recreational amenities of the area, would not be detrimental to the character of the Howth Special Amenity Area, would be acceptable in terms of protection of trees and views identified in the Development Plan for the area, would not seriously injure the amenities of property in the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 was satisfied, having regard to the detailed landscaping and planting proposals submitted, combined with the careful siting and the design of the building – which is modest in scale and low profile in nature – that the replacement of the existing chalet with this structure would not have a detrimental impact on visual amenity or on protected tree stands or on landscape character. Notwithstanding the specific development plan controls on residential density at this sensitive location, the Board agreed with the planning authority, taking into account the particular circumstances pertaining, that the replacement of the existing structure would be acceptable.

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 28th day of October, 2016 and by the further plans and particulars received by An Bord Pleanála on the 8th day of May, 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. Prior to first occupation of the dwelling hereby approved the existing dwelling shall be demolished on site.

Reason: In the interest of clarity.

3. (a) The landscaping scheme shall be carried out in accordance with the Landscape Plan drawing number 300 submitted to An Bord Pleanála on the 8th day of May, 2017.

(b) Species for planting scheme to be restricted to native species only shall be agreed with the planning authority in advance of planting.

Reason: In the interest of residential and visual amenity.

4. With the exception of trees identified for removal on drawing number 300 submitted to An Bord Pleanála on the 8th day of May, 2017, prior to commencement of development, trees shall be securely fenced off in order to prevent damage during demolition and construction works.

Reason: In the interests of visual amenity and to protect the character of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed replacement house 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. 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 Schedule 2, Part 1 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.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 28th day of October, 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. 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.