



Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County Council

Planning Register Reference Number: F16A/0409

Appeal by Brian and Susan Walsh of 16 Warrenhouse Road, Baldoyle, Dublin against the decision made on the 15th day of December, 2016 by Fingal County Council to grant subject to conditions a permission to LDC Developments Limited care of Michael A. O'Neill of Oakdene, Howth Road, Howth, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: 1. Permission for modifications to approved development (planning register reference number F08A/1255, An Bord Pleanála appeal reference number PL 06F.233854) including the following:- (i) Change of use of proposed four bed duplex apartment over two floors to two by two bed apartments on first and second floors, (ii) replacement of timber finish on ground, first and second floor with rendered finish, (iii) replacement of wall on Warrenhouse Road and Warren Green (Lane) with new wall and railings on top; (iv) retain existing vehicular access off Warrenhouse Road to serve single wheelchair car parking space; (v) minor changes to car parking space layout to provide five car parking spaces; (vi) five storage units (17.5 square metres total) on eastern boundary; (vi) application of monocouche render to existing brickwork on existing apartment block; and (vii) minor change to overall height of apartment block to accommodate energy requirements. 2. Retention and completion of the following:- (a) Modifications to internal layout to include

passenger lift from ground floor to first and second floors; (b) Minor modifications to elevations to include revised fenestration at first and second floors, (c) new door opes at first and second floor, (d) revised layout of garden area on second floor and (e) new access to semi basement area plant room on rear elevation, all at Warrenscourt, Warrenhouse Road, Baldoyle, 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 for the site, it is considered that the proposed alterations and modifications for which planning permission and retention of planning permission is sought, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health 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 retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 25th day of November, 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 retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health.

3. The proposed external finishes to the apartment block shall be as indicated on drawing numbers CM-13-05 No. 3, CM-13-05 No. 4 and CM-13-05 No. 5 received by the planning authority on the 25th day of November, 2016, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. No parking spaces shall be used for any other purpose not directly related to the development, and no car parking space shall be sold, leased or licenced or sublet in connection with any other purpose.

Reason: In the interest of the proper planning and sustainable development of the area.

5. The boundary wall to the Warrenhouse Road shall not exceed 900 millimetres in height.

Reason: In the interest of visual amenity.

6. The developer shall comply with the requirements of the planning authority as follows:

- (a) Prior to the construction of the boundary wall around the perimeter of the site, the developer shall submit to, and agree in writing with, the planning authority details as to how this wall and the proposed disabled car parking space can be provided without causing significant damage to the roots of adjoining trees.
- (b) The trees noted for retention in the Tree Report submitted with the application shall be protected during the course of works in accordance with the provisions of BS5837:2012. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the precise location of protective fencing and other tree protection measures during the course of the works. Prior to the submission of this information, a site meeting shall be arranged between the planning authority and the appointed arboricultural consultant to agree tree protection measures.

- (c) All works on trees shall follow the proper arboricultural techniques conforming with BS3998:2010.
- (d) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to ensure that trees are protected and maintained in good condition throughout the course of the development, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site. 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. This bond shall be held by the planning authority for a period of three years post construction and may be extended in the event of possible construction related defects.

Reason: In the interest of visual amenity, the proper planning and sustainable development of the area, and to secure the protection of the trees on the site.

- 7. The proposed storage sheds shall be used solely for the use incidental to the enjoyment of the apartments and shall not be sold, rented or leased independently of the apartments and shall not be used for the carrying out of any commercial activity, trade or business.

Reason: In the interest of orderly development and to protect the amenities of the area.

