



An  
Bord  
Pleanála

**Board Order**  
**PL 06F.248057**

---

## **Planning and Development Acts 2000 to 2016**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F16A/0435**

**Appeal** by Tom Whelan of 5 Asgard Road, Howth, County Dublin and by others against the decision made on the 31<sup>st</sup> day of January, 2017 by Fingal County Council to grant subject to conditions a permission to Noel Crowley and Ger O'Sullivan care of DDS Architecture Limited of Unit 19, Docklands Innovation Park, East Wall Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the existing dormer bungalow (107 square metres) and erection of a new two-storey dwelling (183 square metres) in its place. The works will include a new boundary wall to the rear garden, a relocated vehicular entrance and new pedestrian entrance, landscaping and all associated works, all at 12 Asgard 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**

In arriving at its decision to grant permission the Board had regard to the following;

- the zoning provisions of the Fingal County Development Plan 2017-2023,
- the pattern of development in the area,
- the nature and scale and setting of the proposed development,
- the submissions on file from third parties,
- the planning authority's decision,
- the Inspector's report, and
- the conditions as set out below

and considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of adjoining properties or properties in the vicinity, would not be overbearing, would not detract from the streetscape and 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 considered that the proposed development would not be incongruous and intrusive in the streetscape and represented a sensitive and balanced approach to the site context and the wider suburban environs. Furthermore, the Board considered that there was a wide ranging variety of styles and recent contemporary interventions which have adjusted and enhanced the built form on Asgard Road. It considered that the proposed development responds appropriately to the topography of the site and would not represent an overbearing feature or lead to undue overlooking.

## 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 to the planning authority on the 5<sup>th</sup> 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. This permission authorises one residential unit only.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

**Reason:** In the interest of visual amenity.

4. A 1.5 metres high opaque screen shall be provided along the western side of the proposed first floor balcony. Revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

5. The developer shall make provision for access to the hedge to the west of the site in order to facilitate long term management and maintenance of this hedge. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

7. 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.

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**