



An
Bord
Pleanála

Board Order
PL 06F.248280

Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County Council

Planning Register Reference Number: F16A/0450

Appeal by Gerard Giblin care of GVA Planning and Regeneration Limited of 2nd Floor, Seagrave House, 19 - 20 Earlsfort Terrace, Dublin against the decision made on the 8th day of March, 2017 by Fingal County Council to grant subject to conditions a permission to Begona Alvarez care of Strand Architects of First Floor, Community Hall, Main Street, Baldoyle, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an existing single storey cabin and permission for the use of the cabin as a painting studio and ancillary office and storage in the rear garden, all at 73 Dublin Road, Sutton, 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 nature and scale of the subject development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, not be contrary to 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 on the 14th day of February, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to use as a private art studio that is incidental to the enjoyment of the neighbouring dwellinghouse as such, and shall not be used as a commercial art studio to which the public would have any access, unless otherwise authorised by a prior and separate grant of planning permission.

Reason: To protect the amenities of property in the vicinity, and in order to limit the use of the subject development to that applied for.

3. The development shall not be used for human habitation of any kind whatsoever, and in particular shall not be used for sleeping accommodation for any persons, whether part of the family occupying the neighbouring dwelling, or otherwise. The building hereby permitted shall not be used for any form of tourist accommodation, and shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot.

Reason: In the interest of residential amenity.

4. 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.

Reason: In the interest of protecting the amenities of the area.

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. The drainage works indicated on the plans and particulars submitted on the 14th day of February, 2017 shall be completed within three months of the date of this order, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of public health.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no advertisement signage or structure of any kind shall be erected on any part of the overall site. Any existing such signage or advertisement structure shall be permanently removed within three months of the date of this order.

Reason: In the interest of visual amenity.

