



An
Bord
Pleanála

Board Order

PL 06F.248351

Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County

Planning Register Reference Number: F17A/0032

Appeal by Helena Broderick of 2 Carrickbrack Lawn, Sutton, Dublin against the decision made on the 20th day of March, 2017 by Fingal County Council in relation to an application for permission for demolition of existing single storey kitchen and utility to the north west elevation and its replacement with a smaller single storey utility extension thus reverting the dwelling to a detached dwelling, the construction of a single storey rear bay window extension to the south west elevation, the construction of a two storey extension to the south east elevation with solar panels, skylights, windows and internal alterations, part demolition of existing garage and extension to existing garage to include new family flat with loft, widening of existing vehicular access off Carrickbrack Lawn and installation of gates and the creation of new vehicular access off Carrickbrack Road and installation of gates, raising of existing external boundary wall and installing railings and replacing existing pedestrian gates, installation of new soak pits to treat and dispose of surface water from areas of new development, soak pits to have overflow to the public drainage system and all associated site works at 2 Carrickbrack Lawn, Sutton, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the extensions (1) the demolition of exiting single storey kitchen and utility extension to the north-west elevation and its replacement with a smaller singles storey utility extension thus reverting the dwelling to a detached dwelling, (2) the construction of a single storey

rear bay window extension to the south west elevation, (3) the construction of a two storey extension to the south east elevation with solar panels, skylights, windows and internal alterations, (4) the creation of new vehicular access off Carrickbarck Road and installation of gates, (5) the raising of existing external boundary and (6) the installation of new soak pits to treat and dispose of surface water from areas of new development and all associated site works and to refuse permission for the family flat).

Decision

GRANT permission for (a) demolition of existing single storey kitchen and utility to the north west elevation and its replacement by a smaller single storey utility extension thus reverting the dwelling to a detached dwelling; (b) the construction of a single storey rear bay window extension to the south west elevation; (c) the construction of a two storey extension to the south-west elevation with solar panels, skylights, windows and internal alterations; (d) widening of existing vehicular access off Carrickbrack Lawn and installation of gates, and the creation of a new vehicular access off Carrickbrack Road and installation of gates; (e) the raising of existing external boundary wall and installing of railings and replacing pedestrian gates; (f) installation of new soak pits to treat and dispose of surface water from areas of new development, and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for part demolition of existing garage and extension to existing garage to include new family flat with loft based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the pattern of development in the area, the provisions of the current Fingal County Development Plan and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity, 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 carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows: -
- (a) The two storey stairwell projection proposed to the south-east elevation shall be omitted and the proposed stairwell windows incorporated into the revised south-eastern elevation. A pitched roof shall be utilised on that part of the extended south-western roof plane previously proposed as a flat roof, to provide for integration of the main roof with the proposed hipped pitched roof of the two storey extension.
 - (b) The proposed pillars shall be the same height as the existing pillars.
 - (c) The proposed railing above the raised 84 centimetres high boundary wall shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The entire premises shall be used as a single dwelling unit.

Reason: In the interest of residential amenity.

4. The external finishes of the proposed development shall be the same as those of the existing dwelling, in colour and texture.

Reason: In the interest of visual amenity.

5. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interest of residential amenity.

6. Prior to commencement of development, a detailed construction management plan and demolition methodology, which shall provide for measures to ensure that there is no damage to the adjoining property at number 46 Carrickbrack Heath when the proposed demolition of the existing single storey kitchen and utility room structure is carried out, shall be submitted to, and agreed in writing with, the planning authority. This shall also ensure that the section of the boundary wall shared with that property which would be exposed to the elements after demolition of the existing side extension shall be rendered and made weather proof.

Reason: In the interest of protecting the residential amenities of adjoining property.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 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 the interests of residential amenity and proper development.

9. 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 the 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.

Reasons and Considerations (2)

1. The proposed family flat development would have its own front door would be separate from the main dwelling on the site and would have a layout conducive to operation as a separate habitable unit. The development would not comply with the requirements of Policy DMS43 of the Fingal County Development Plan 2017-2023 and would, therefore, undermine the residential amenity of the area through intensification of development on the site of an existing house. The proposed family flat development would materially contravene the zoning objective of the site and surrounding area which is RS 'To provide for Residential Development and to Protect and Improve Residential Amenity'.

2. It is considered that the proposed family flat development would be visually obtrusive, and would be out of character at this location. Furthermore, the proposed family flat development would constitute a visually overbearing feature when viewed from the adjacent property to the south-west, 4 Carrickbrack Lawn. It is considered, therefore, that the proposed development would seriously injure the residential amenity of property in the vicinity, would not be in accordance with the objective of the current development plan for the area to protect and improve residential amenity, and would be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017