



An
Bord
Pleanála

Board Order
PL 06F.248444

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F16A/0564

Appeal by Adrian Hill care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 10th day of April, 2017 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The demolition of the existing, two storey dwelling and adjoining double fronted garage. The construction of a two storey, five bedroom detached dwelling with a detached single storey, four bay vehicular garage. The development also consists of a new boundary wall to the beach with glass screening, a new slipway and pedestrian entrance to the beach, new entrance gates, piers and all landscaping, boundary and associated site works at number 19 Greenfield 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 'Residential' zoning and location of the site, the objectives of the Sutton Cross and Environs Architectural Conservation Area and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be appropriate in terms of the design, would not seriously injure the amenities of the area or of property in the vicinity, would not lead to the risk of flooding and would not conflict with the objectives of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the screening assessment and conclusion carried out in the Inspector's reports and agreed that, with the exception of European Site - the North Bull Island Special Protection Area (Site Code 004006), the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on European Sites or any other European site in view of the site's conservation objectives. It is considered that there is potential for a significant effect on the North Bull Island Special Protection Area (Site Code 004006) during the construction phase of the development.

The Board considered the Natura impact statement and associated documentation submitted with the application for permission, the mitigation measures contained therein, the submissions on file, and the Inspector's reports. The Board considered that the information before it was adequate to allow the carrying out of a Stage 2 Appropriate Assessment. The Board completed an Appropriate Assessment of the effects of the proposed development on the North Bull Island Special Protection Area (Site Code 4006), in view of the site's conservation objectives. In completing the Appropriate Assessment, the Board considered the likely direct and indirect effects arising from the proposed development both individually or in combination with other plans or projects. The Board considered that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the aforementioned European site.

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 22nd day of March 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. The mitigation measures set out in the Natura impact statement shall be carried out in full during the demolition of the existing structures and the construction of the proposed development.

Reason: To protect European Sites.

3. A temporary solid hoarding shall be erected within the site boundary to the rear of the site adjoining Sutton Strand, prior to the commencement of development and this hoarding shall be maintained in place for the duration of the site works. There shall be no encroachment of Sutton Strand during the course of development and all access to the site during demolition and construction shall be from Greenfield Road only and no access shall be permitted from Sutton Strand during construction.

Reason: To protect European Sites.

4. 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 or slate grey only (including ridge tiles).

Reason: In the interest of the visual amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which 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. 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 order to safeguard the residential amenities of property in the vicinity.

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 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