



An
Bord
Pleanála

Board Order
PL 06F.248448

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County

Planning Register Reference Number: F16B/0314

Appeal by Mark Keane and Ruth Byrne of Whitethorn, Kinsealy Lane, Malahide, County Dublin against the decision made on the 11th day of April, 2017 by Fingal County Council to grant subject to conditions a permission to Patrick and Louise Goodman care of Alan Farrelly Architecture of Birch House, Blacklion, Greystones, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations and extension to existing house to include new garage to side with new room at first floor over, alterations to front and rear elevations and miscellaneous works at 'Kinard', Kinsealy Lane, Malahide, 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

Having regard to the land-use zoning objectives for the area, the pattern of development in the area and to the nature, scale and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would 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, 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 ground floor southern elevation of the proposed extension shall not be less than 1.819 metres and the first floor southern elevation of the proposed extension shall not be less than 1.626 metres from the boundary of the property to the south.

Reason: in the interest of orderly development and to protect the amenities of adjoining property.

3. The proposed development shall be provided with noise insulation to an appropriate standard having regard to the location of the site within the Outer Airport Noise Zone.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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.

Reason: In the interest of public health.

6. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interests of residential and visual amenity.

7. The garage shall be used solely for uses ancillary to the dwellinghouse and shall not be used for the carrying out of any trade or business.

Reason: In the interests of clarity and of residential amenity.

8. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

9. 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.

