

Board Order PL 06F.249118

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0198

Appeal by Muriel O'Sullivan care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 31st day of July, 2017 by Fingal County Council to grant subject to conditions a permission to Bob Fagan care of CQA Design and Build of B4 Swords Enterprise Park, Feltrim Road, Swords, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A single storey, one bedroom family unit to the side and rear of the existing house and all associated site works at number 26 Offington Park, 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 limited scale and specific use of the proposed development, the pattern of development in the area and the provisions of the current Fingal County Development Plan, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the adjoining properties 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 was satisfied that the applicant had demonstrated sufficient need and concurred with the findings of the planning authority and, furthermore, the Board considered that the reduced ridge height and parapet wall height associated with the proposed extension would not seriously injure the residential or visual amenities of the adjoining properties 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 5th day of July, 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 development shall be constructed as follows:
 - The new parapet wall shall not exceed three metres in height from ground (a) level.
 - (b) The ridge height of the family flat shall not exceed 3.5 metres from ground level.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed granny flat 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.

4. The proposed granny flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

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. 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.

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

Dated this day of 2018

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