



An
Bord
Pleanála

Board Order

PL 06F.249378

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F16A/0597

Appeal by Brendan Lynch on behalf of Saint Margaret's Road Area Residents Association of 4 Saint Margaret's Road, Malahide, County Dublin and by Pauline Leheny of 36 Saint Margaret's Road, Malahide, County Dublin against the decision made on the 15th day of September, 2017 by Fingal County Council to grant subject to conditions a permission to Dennis and Pamela Barnedt care of Goodwin Architects of 49 Sutton Park, Sutton, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing detached house; lowering of site levels to the rear and side; construction of a new two-storey detached house with habitable attic space, rooflights to the rear and sides; solar panels to the south side; projecting porch and bay window to the front; single-storey kitchen area to the rear; attached garage to the north side; widening of existing vehicular entrance and all associated site works at 38 Saint Margaret's Road, 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 provisions of the Fingal County Development Plan 2017-2023, including the 'RS' zoning objective, to the nature, scale, extent and design of the development proposed including the proposal to demolish the existing dwelling on site, to the pattern of development in the area and to the general character of the streetscape, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the architectural character of the area or visual integrity of the streetscape, would not result in any significant loss of architectural heritage and would be acceptable in terms of residential amenity. 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, as amended by the further plans and particulars submitted on the 21st day of August 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. Windows on the southern side elevation and northern side elevation at first floor level in addition to all bathroom and en-suite windows shall be fitted with permanent obscure glazing. Use of film shall not be acceptable.

Reason: In the interest of residential amenity.

3. The rooflights on the southern and northern roof slopes shall be positioned a minimum of 1.6 metres above floor level.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

5. The design of the dwelling shall be amended (made narrower) such that the northern elevation of the proposed house shall not be less than 1.3 metres from the centreline of the northern site boundary.

Reason: In order to comply with Objective DMS29 of the current development plan for the area and to protect existing residential 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 demolition of the existing house and construction of the new house 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, including noise management measures, traffic management measures and off-site disposal of construction and 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 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity during the construction phase.

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 2018