

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Fingal County Council

Planning Register Reference Number: F17A/0320

An Bord Pleanála Reference Number: ABP-300301-17

APPEAL by William Malone care of Clifton Scannell Emerson Associates of Seafort Lodge, Castledawson Avenue, Blackrock, County Dublin against the decision made on the 27th day of October, 2017 by Fingal County Council to grant subject to conditions a permission to Margaret Ruxton care of J and C Design of Unit 2, Old Quay, Strand Road, Sutton, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Separation of the existing dwellinghouse into two number dwellings with a single storey extension to the side and rear of the eastern most dwelling and the construction of a new vehicular entrance serving the original dwelling to the west of the site, and all associated works, all at 1 Balkill Park, Howth, 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 location of the site in Howth, the planning history of the site, 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 not seriously injure the amenities of the area or of property in the vicinity and would not be contrary to the objectives as set out in the current Fingal County Development Plan. 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 the planning authority on the 4th day of October 2017 and the plans and particulars received by An Bord Pleanála on the 3rd day of January, 2018, 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 internal layout of the dwellings shall be in accordance with the floor plans submitted to An Bord Pleanála on the 3rd day of January 2018,
 - (b) the roof area to the rear of dwelling number 1A shall not be used as a roof garden, terrace or balcony,
 - (c) car parking spaces shall have a minimum width of 2.4 metres and a minimum depth of 4.8 metres, and
 - (d) details of boundary treatments shall be in accordance with the requirements of the planning authority.

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 and residential amenity.

3. 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.

Reason: In the interest of the visual amenity.

4. 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.

5. 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.

6. The vehicular entrance serving the proposed development, including works to improve visibility, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. 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.