



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0590

Appeal by P.J. and Catherine Monaghan of 10 The Rise, Malahide, County Dublin against the decision made on the 20th day of November, 2017 by Fingal County Council to grant subject to conditions a permission to Aidan and Linda Kelly care of EM Hogan and Associates of 4 Hanlon's Lane, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A new external garage store at side of house at infill space adjoining the northern boundary in position of the original garage structure located at number 12 The Rise, Malahide, County Dublin being located in an Architectural Conservation Area.

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 'RS' – 'Residential' zoning provisions for the site, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the Architectural Conservation Area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 received by An Bord Pleanála on the 23rd 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 proposed pitched hipped roof shall be finished with roof tiles similar to the main roof of the house. The revised design shall not exceed four metres in height and shall be contained within the application site.
 - (b) The proposed parapet wall shown on the revised plans submitted to An Bord Pleanála on the 23rd day of January, 2018 shall be omitted. Revised proposals shall be submitted to show that the proposed development will not overhang or encroach on the neighbouring property.
 - (c) The granite capping shall be omitted.
 - (d) The materials for the large glazed doors shall be metal or timber and not uPVC.
 - (e) The gross floor area of the proposed development shall not exceed 15 square metres.

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 interests of residential amenity and the visual amenity of the Architectural Conservation Area.

3. The external finishes of the proposed development including roof tiles shall be the same in colour and texture as those of the existing dwelling.

Reason: In the interest of visual amenity.

4. The external garage store shall be used solely for use incidental to the enjoyment of the dwellinghouse and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling and shall not be used for the carrying out of any trade or business.

Reason: To restrict the use of the garage store in the interest of residential 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 and to ensure a proper standard of development.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential amenities of property in the vicinity.

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 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.

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

Dated this day of 2018.