

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Fingal County Council

Planning Register Reference Number: FW17A/0176

An Bord Pleanála Reference Number: ABP-300533-17

APPEAL by Patrick J. O'Reilly and others of 2 Catherine's Well, River Road, Blanchardstown, Dublin against the decision made on the 5th day of December, 2017 by Fingal County Council to grant subject to conditions a permission to Skyscape Property Holdings Limited care of AKM Design of Unit 4 Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing dwelling and construction of three number four bedroom two-storey with attic dwellings with in curtilage car parking. Works to include new boundary treatment to River Road, landscaping and associated site works at River Road, Blanchardstown, 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 Development Plan 2017-2023, 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 seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, and would represent an appropriate density at this location, close to the centre of Blanchardstown and proximate to public transport. 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, 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 westernmost proposed house shall be amended at first floor level by switching bedroom 1 and its associated en suite, such that the en suite window in the rear elevation is located closest to the western boundary of the site.
 - (b) The windows in the side (west) elevation of the westernmost proposed house shall comprise non-openable opaque glazed panels.
 - (c) All bathroom/en suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not permitted.
 - (d) All rear gardens shall be bounded by walls, 1.8 metres in height, which shall be rendered on both sides and capped, except where existing boundaries are to be maintained. Post and timber fences shall not be used.

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 the protection of the residential amenities of adjoining properties, and to ensure the provision of durable boundary treatment.

3. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Except for the dormer windows, roofs shall be blue-black or slate grey in colour only, including ridge tiles.

Reason: In the interest of 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. In this regard:-
- (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of proposed soakaways including distance from site boundaries, the proposed dwelling/buildings on site, and on-site treatment systems, size of soakaway, and calculations for the determination of the size of the soakaways and the time of emptying calculation, all based on site specific infiltration test results.
 - (b) Soakaways must comply with BRE Digest 365 and the Greater Dublin Strategic Drainage Study, and be designed to accommodate a thirty-year storm event, include provision for climate change, use local rainfall data, and be located at least five metres from any structure, and three metres from any boundary.
 - (c) No surface water and/or rainwater shall discharge into the foul sewer system under any circumstances.
 - (d) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 Fingal County Council April, 2006.

Reason: In the interest of public health.

5. (a) Prior to commencement of development, the developer shall agree in writing with the planning authority a revised access and parking layout for both the middle unit and the most western unit to provide adequate sightlines.
- (b) The dividing/boundary wall/hedge between the driveways shall not exceed a height of 0.9 metres over the last three metres adjacent to the public footpath.

- (c) The boundary hedge/wall to the front garden of the new dwelling adjacent to the public footpath shall not exceed a height of 0.9 metres.
- (d) The footpath and kerb at the vehicular entrance to the proposed site shall be dressed to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

- 6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

- 7. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include the following:-

- (a) proposed tree planting and other landscape planting within the front gardens of each house within the development, including details of proposed species and settings;
- (b) proposals for the protection of the existing boundary planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.

The landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

9. Proposals for a house naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. 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.

11. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall that arises based on the provisions of Objectives DMS57 and Objective DMS58 of the Development Plan and 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.