



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: FW18A/0010

Appeal by Brian and Rita Hayes of 2 The Hawthorns, Castleknock, Dublin and by Fergal and Phyllis Moffitt care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 13th day of March, 2018 by Fingal County Council to grant subject to conditions a permission to Therese and Patricia Leonard care of Aspiris1 of 5 Coolmine Mews, Clonsilla, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Demolition of existing single-storey annex, carport and outbuildings. (2) Conversion of existing garage to afford shower-room and stores and new single storey sunroom to rear. (3) Construction in side garden of a detached, four-bedroom, two-storey and dormer in roof (to rear southern facade) dwelling with single storey annex to rear southern facade, new vehicular entrance, parking for two vehicles, landscaping, site works and connections to services, all at 1 Hawthorn Lawn, Castleknock, 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 land use zoning objective contained in the current Fingal County Development Plan which seeks to provide for residential development and protect and improve residential amenity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 the 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. Revised plans, elevations and details showing the omission of the two rooflights serving Bedroom Number 4 on the western facing roofplain 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 amenities.

3. Details of the materials, colours and textures of all 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 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. Both dwelling units shall be used as separate single dwelling units apart from such use as may be exempted for the purposes of the Planning and Development Regulations, 2001, as amended.

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

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. The applicant shall conform with the requirements of the planning authority in respect of the proposed new vehicular entrance and shall incorporate the following requirements:
- (a) The front boundary wall shall not exceed a height of 0.9 metres. These restrictions extend to planting/landscaping or any similar works within two metres of the visibility envelope/boundary that might interfere with the visibility at these locations.
 - (b) Access to the proposed dwelling shall be located to the centre of the proposed front boundary.
 - (c) The dividing/boundary wall between the driveways shall not exceed a height of 0.9 metres over the last three metres adjacent to the public footpath.
 - (d) Details of the extent of footpath works including the dishing of the footpath for both dwellings and the relocation of any services shall be agreed with the planning authority's engineer prior to the commencement of development.
 - (e) All the above works shall be carried out at the developer's expense and in accordance with the specifications and conditions of the planning authority.

Reason: In the interest of traffic safety.

8. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris adjoining roads during the course of the works on the subject site.

Reason: To protect the amenities of the area.

9. 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 interest of visual and residential amenity.

10. All bathroom and en-suite rooms shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 hours and 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or public holidays unless otherwise agreed in writing with the planning authority. 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 the area.

12. Details of the house numbering scheme shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of clarity.

13. 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.

Michelle Fagan

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

Dated this day of 2018.