



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: FW18A/0003

Appeal by Eamon Balfe care of Jim Brogan of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 22nd day of June, 2018 by Fingal County Council to grant subject to conditions a permission to Liam and Patricia Lacey care of Stephen Molloy Architects of 12 Saint Brigids Shopping Centre, Main Street, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of (1) a detached three bedroom, two-storey dwellinghouse with dormer windows to the front roof façade at first floor level, velux roof windows to the front, side and rear roof façades, (2) a detached games room and car port between the existing and proposed houses, (3) off street parking to include revisions to existing and proposed vehicular access driveways to include a setback from the roadway, (4) a detached garage/shed in the existing front garden area of number 14, and (5) connections to all services and associated site development works and boundary treatments, all in the rear and front garden area of 14 Park Villas, Pecks Lane, 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 provisions of the Fingal Development Plan, 2017-2023, and to the nature and scale of the proposed development 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 surrounding area and would not pose a risk to pedestrians or traffic. 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 31st day of May 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 three windows at first floor level on the eastern elevation shall be omitted.
 - (b) All bathroom, WC and en-suite windows shall be fitted and maintained with permanently obscured glazing.
 - (c) A revised internal layout that enables vehicles to exit the property in forward gear.
 - (d) The front boundary shall be set-back parallel two metres from the road edge over the full length of the property to provide footpath connectivity.
 - (e) The internal dividing boundary walls between the driveways shall not exceed 900 millimetres over the last three metres from the back of the public footpath.

- (f) The footpath and kerb along the public road shall be dished.
- (g) The boundary walls and hedge to the front of the new dwelling and the existing dwelling adjacent to the public footpath shall not exceed a height of 0.9 metres.
- (h) A two metre in height concrete, capped and plastered, boundary wall shall be erected along the northern and eastern boundaries.

Revised drawings showing compliance of these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

- 3. This permission omits the originally proposed detached garage/shed structure in the existing front garden of number 14 Park Villas.

Reason: In the interests of clarity and visual amenity.

- 4. 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 visual amenity.

5. (i) The proposed dwelling shall be occupied as a single residential unit and its ancillary buildings shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.
- (ii) The proposed detached games room and car port shall be used solely for purposes incidental to the enjoyment of the main dwelling house and shall not be used for human habitation, multiple occupancy living units, non-residential uses, carrying out of any trade, trade business or other commercial activity.

Reason: In the interest of clarity, and to restrict the use of the dwelling and the games room in the interest of 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. 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.

8. The proposed dwelling shall be numbered as number 14A Park Villas. In the event that this number already exists, then an acceptable house numbering scheme shall be submitted to and agreed in writing with the planning authority prior to the first occupation of the dwelling.

Reason: In the interests of orderly development and urban legibility.

9. (i) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of soil, rubble or other debris on adjoining roads during the course of the works.

(ii) Any damage to the surrounding public road shall be made good to the satisfaction of the planning authority.

Reason: In the interests of orderly development and public safety.

10. The construction stage 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 include details of construction waste measures, noise management measures, dust control measures, arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of orderly development, amenity, safety and sustainable development and sustainable waste management.

11. 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.

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

Dated this day of 2018.