



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0385

Appeal by Mort O’Sullivan of 16 Shenick Drive, Skerries, County Dublin against the decision made on the 28th day of August, 2018 by Fingal County Council to grant subject to conditions a permission to Richard Kenny care of John Shevlin of 114 Ashington Rise, Navan Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing double storey side extension, conservatory and chimney and the construction of a detached two-storey two-bedroom dwelling to side of existing house with attic conversion and roof lights to rear roof plane. A ground floor single storey extension to front of existing house with roof canopy over. A double storey extension to the rear and attic conversion and attic conversion to study with existing hipped roof converted to a gable end roof with flood lights to rear roof plane. Existing vehicular entrance to be widened with access to shared driveway with proposed dwelling with the provision for four off-street parking spaces at 18 Shenick Grove, Skerries, 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 provisions of the Fingal County Development Plan 2017-2023 and 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 amenities of the area or of property in the vicinity and 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 by ensuring that all bathroom, w.c. and en-suite windows are fitted and maintained with permanently obscured glazing. 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 and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. The proposed dwelling shall be occupied as a single residential unit.

Reason: In the interest of clarity and to restrict the use of the dwelling.

5. Any attic floor space in the permitted dwelling and the extended existing dwelling which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

Reason: To clarify the extent of the permission.

6.
 - (a) The proposed driveway access shall be replaced with two individual vehicular entrances that shall not exceed a width of four metres each.
 - (b) The front boundary wall and any new dividing boundary wall between the proposed dwelling and the existing dwelling to the front of their building line shall not exceed a height of 0.9 metres.
 - (c) No objects, structures or landscaping shall be placed or installed within the site entrance visibility triangle exceeding a height of 900 millimetres which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - (d) The footpath/verge and kerb shall be dished at the developer's own expense to the satisfaction of the planning authority.
 - (e) All underground, overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

- (f) All storm water shall be disposed of into soak pits or drains within the site and shall not be discharged onto the public road.
- (g) All of the above works shall be carried out at the developer's expense in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

- 7. 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.

- 8. 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.

9. The proposed dwelling shall be numbered as number 18A Shenick Grove. 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 interest of orderly development and in the interest of urban legibility.

10. (a) 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 works.

(b) 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.

11. No gate shall open across the public footpath or public road.

Reason: In the interests of pedestrian and traffic safety.

12. The construction of the development 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 provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. 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.

14. 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.

Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.