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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0569**

**Appeal** by Marzena Kisiel of 83 Cois Inbhir, Beaverstown Road, Donabate, County Dublin against the decision made on the 5<sup>th</sup> day of December, 2018 by Fingal County Council to grant subject to conditions a permission to John Heneghan care of Bell Associates of Executive House, Whitestown Road, Rush, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of 'as built' alterations to previously approved application, planning register reference number F10A/0255, (Development of the communal areas around unit numbers 75-94 Cois Inbhir. The proposed development will consist of an amendment to previously permitted applications, planning register reference numbers F02A/0900 and F04A/1118, comprising the subdivision of the existing communal areas surround numbers 75-94 Cois Inbhir by the erection of a 'two rail' type post and rail timber fence, construction of new paths to provide independent access to each dwelling, and relocation of existing car park spaces to facilitate the construction of new pathways and fences, all on a site of 0.33 hectares). Retention to include relocation of previously approved car parking spaces, amended design and location of bin enclosures, relocation of lamp standards

and ESB mini pillars, amended interior and exterior boundary treatment layouts and all associated site works, at communal areas around unit numbers 75-94, Cois Inbhir, Beaverstown Road, Donabate, 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 Development Plan, 2017-2023, the existing pattern of development in the area, and the nature and scale of the development proposed for retention it is considered that, subject to compliance with the conditions set out below, the retention of the proposed development would not seriously injure the residential and visual amenities of the surrounding area. The retention of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All townhouse units shall have access to a bin store of one of the types identified in the submitted drawings, that is, drawing number 50-46-01 received by the planning authority on the 12<sup>th</sup> day of October 2018.

**Reason:** In the interest of residential and visual amenity.

3. Within six weeks of the date of this order, the developer shall submit to the planning authority for written agreement, revised plans and details to demonstrate the following: -
  - (a) The ESB mini pillars located in the car parking spaces of units numbers 80, 84 and 86 shall be removed and relocated to a more suitable location within the garden of the said dwelling units or other location as agreed with Electric Ireland.
  - (b) Where necessary boundaries and any other structures shall be relocated to ensure access to all manholes within the subject site are maintained and not obstructed by any structures.

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

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**Chris McGarry**

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

**Dated this            day of            2019.**