



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0537

Appeal by Richard Rodgers of 6 Heeley's View, Malahide, County Dublin and by Gerry Butler and others care of Goodwin Architects of 49 Sutton Park, Sutton, Dublin against the decision made on the 21st day of January, 2019 by Fingal County Council to grant subject to conditions a permission to Deirdre Rochford care of Aughey O'Flaherty Architects of 32 Nassau Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing shed (30 square metres) and the construction of a new two-storey mews dwelling to the rear and west of the existing dwelling in an Architectural Conservation Area, and all associated site works including access, parking spaces and site drainage works at Sycamore View, Healy's Lane, (to the rear of 1 The Rise), Malahide, County Dublin as amended by the revised public notices received by the planning authority on the 17th day of December, 2018.

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 residential zoning of the site as set out in the Fingal County Development Plan, 2017-2023, to the pattern of existing development in the area, and to the nature, scale and location of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not conflict with the relevant objectives of the Development Plan for the area and would be acceptable in terms of pedestrian and traffic safety. 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 17th day of December, 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. 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.

3. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include for the provision of three number replacement *Quercus robur* 'Fastigiata *Koster*' trees of a minimum girth size of 14 centimetres-16 centimetres or similar, in the first planting season following completion of construction works.

Reason: In the interest of visual amenity.

4. (a) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.
- (b) 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.

5. 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.

6. Proposals for a name/house numbering and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the house name/number shall be provided in accordance with that agreed.

Reason: In the interest of urban legibility.

7. 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.

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

Reason: In the interest of residential amenity.

10. No objects, structures or landscaping exceeding a height of 900 millimetres, shall be placed or installed within the visibility triangle as shown on drawing number PO1, 'Proposed Site Plan and Contiguous Elevation' as submitted to the planning authority on the 17th day of December, 2018.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

11. The development 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 development 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.

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

Dated this day of 2019.