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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0036**

**Appeal** by Brendan Doyle care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 25<sup>th</sup> day of March, 2019 by Fingal County Council to grant subject to conditions a permission to Brian and Mary O'Donoghue care of Edward Hogan of 4 Hanlon's Lane, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a dormer bungalow type dwelling located to the rear of the property adjacent to the eastern boundary, ancillary site works include the removal of existing detached studio structure, modifications to existing vehicular entrance and boundary treatment to detached property at Innisfallon, Dublin Road, Malahide, 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 size of the site, the distance of the proposed dwelling from the dwelling to the east and its scale in relation to adjoining dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development, which would provide an additional dwelling on an underutilised infill site in accordance with objective PM44 of the current development plan for the area, would not overshadow or have an overbearing impact on adjoining residential property or detract from the visual character of the area. The proposed development would otherwise 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 window serving bedroom number 3 as detailed on drawing number 1800-102P submitted to the planning authority at application stage shall be relocated so that it is centrally located along the section of the rear (northern) elevation of the dwelling.

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

3. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass.

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

4. 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. The developer shall comply with the following requirements of the planning authority:
  - (a) The proposed vehicular entrance shall be re-positioned one metre south of the proposed entrance detailed on drawing number 1800-100P submitted to the planning authority at application stage and the boundary hedge for two metres either side of the entrance shall be removed. The boundary treatment shall not exceed a maximum height of 900 millimetres to provide for pedestrian and vehicular inter-visibility at the site entrance;

- (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
- (d) All underground or 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.

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

6. The developer shall ensure retained trees including neighbouring boundary trees and hedges are protected from accidental damage during the course of construction works. Such methods may include ground protection matting within root protection areas and barrier fencing. This protection shall be in accordance with British Standard 55837-2005 'Trees in relation to construction'.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of the boundary treatments. Of particular relevance is the proposal to replace the boundary hedge (or part of) along the eastern boundary.

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

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 applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

**Reason:** In the interest of public health and orderly development.

9. 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.

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**Paul Hyde**

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

**Dated this            day of            2019.**