



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: FW19B/0019

Appeal by Zhanming Cui and Xia Shen care of Finegan and Jackson of The Stables, Drumconrath Road, Carrickmacross, County Monaghan against the decision made on the 9th day of April, 2019 by Fingal County Council in relation to the application by the said Zhanming Cui and Xia Shen for permission for development comprising retention of single storey porch and satellite dish to front elevation of existing two-storey end of terrace dwelling, single storey parapet flat roof extension to side and rear of dwelling, alterations and additions to elevations, completion of internal works, connections to existing foul and storm water connections on site, and all associated site works, all at Number 38 Sheepmoor Avenue, Blanchardstown, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the retention of single storey porch to front and to refuse permission for retention of satellite dish to front elevation of existing two-storey end of terrace dwelling, single storey parapet flat roof extension to side and rear of dwelling, alterations and additions to elevations, completion of internal works, connections to existing foul and storm water connections on site and all associates site works).

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 modest scale of the extension to be retained and subject to the revisions proposed as part of this appeal, it is considered that the extension, if retained and carried out in accordance with the conditions set out below, would not have an overshadowing or overbearing effect on the adjoining property or seriously injure the residential amenities of the area. It is further considered that, subject to the removal of the satellite dish, the development proposed for retention would not seriously injure the visual amenities of the area 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 as amended by the further plans and particulars received by An Bord Pleanála on the 3rd day of May, 2019, 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. Within one month of the date of this permission, revised drawings and details, including structural design details and a method statement, for the removal of the side wall of the extension and its replacement with a wall, located within the applicant's property, and the reinstatement of the boundary wall to its condition and height prior to the erection of the extension, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the work, as thereby agreed, shall be completed within six months of the date of this permission.

Reason: In the interest of clarity.

3. The wall referred to in condition number 2 shall be finished in plaster on its northern side.

Reason: In the interest of visual amenity.

4. Within one month of the date of this permission, the satellite dish shall be removed. No satellite dish shall be erected on or within the curtilage of the house except in accordance with a further permission or which would constitute exempted development under Class 4 of Part 1 of Schedule 2 of the Planning and Development Regulations.

Reason: In the interest of visual amenity.

5. 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.

Paul Hyde

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

Dated this day of 2019.