



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0145

Appeal by Niall Savage of 7A Windmill Lands, Swords, County Dublin against the decision made on the 28th day of May, 2019 by Fingal County Council to grant subject to conditions a permission to Robbie Knight care of Green Design Build of 142 Leeson Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: One number additional four-bedroom, single storey detached dwellinghouse in the north side garden of the existing house, new boundary division walls to match existing, existing vehicular entrance is proposed to be retained and adjusted for entrance to the new house. The existing front garden will be adjusted for car parking for the existing house. Also included are alterations to existing site drainage and additional surface water drainage measures and associated site works. All at 7 Windmill Lands, Swords, 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 residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design 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 residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These requirements shall include:
 - (a) The developer shall accurately determine the line and level of the existing 225 millimetres combined sewer traversing the site. A minimum clear distance of three metres shall be maintained between this sewer and any part of the proposed development, including its foundations.
 - (b) In order to reduce discharge from the rainwater harvesting tanks into the combined system (such as during periods of high rainfall and low consumption), the overflow arrangement of the rainwater harvesting tanks shall be such that it discharges into the permeable paving subbase, with a subsequent high-level overflow from the paving area into the combined sewer.

- (c) Separate foul and surface water drains shall be maintained on site prior to discharging into the existing combined sewer.

Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public health and safety and in order to ensure adequate and appropriate surface water drainage provision.

- 3. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

- 4. (a) The boundary walls located to the front of the existing house and along the shared vehicular access shall not exceed a height of 900 millimetres.
- (b) The proposed wall, gate and piers located between the front garden and the front court, as indicated on drawings submitted, shall be omitted.
- (c) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere with or obstruct (or could obstruct over time) the required visibility envelopes.
- (d) No stormwater shall discharge onto the public road.

- (e) The vehicular access, serving the proposed development, shall comply with the requirements of the planning authority for such road works.
- (f) Any gate to be installed shall be inwards opening only and shall not open across the public footpath or the shared vehicular access driveway.

Reason: In the interest of traffic and pedestrian safety.

- 5. All external finishes, including roof tiles, shall harmonise in colour and texture with the existing dwelling on the site.

Reason: In the interest of visual amenity.

- 6. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 7. Site development and building works shall be carried out 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 shall 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 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.

Paul Hyde

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

Dated this day of 2019.