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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0732**

**Appeal** by Margaret Robinson of 1 Saint Andrews Park, Swords, County Dublin against the decision made on the 25<sup>th</sup> day of June, 2019 by Fingal County Council to grant subject to conditions a permission to Robert and Eadaoin Garrigan care of Terence Woods Architects of 4 Church Street, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A new one and two-storey dwelling to the rear of the existing dwelling, new vehicular driveway access and all associated site works at Outlands House, Rathbeale Road, Swords, County Dublin. Further public notices were received by the planning authority on the 31<sup>st</sup> day of May, 2019.

## **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, as amended by the further plans and particulars submitted on the 20<sup>th</sup> 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. 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.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of public health.

4. (a) The boundary wall located to the front of the existing 'Outlands House' along the vehicular access serving the proposed dwelling shall not exceed a height of 900 millimetres.
- (b) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a revised site layout plan illustrating the front boundary of the site along the Rathbeale Road set back five metres from the roadside kerb. This setback area shall be kept free of permanent development, and existing landscaping shall be maintained by the developer.
- (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) All underground or overhead services and poles shall be relocated, as may be necessary, to suitable locations at the developer's expense.
- (e) All the above works shall be carried out prior to occupation of the development and at the developer's expense in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic and pedestrian safety and to enable the future provision of the Rathbeale Road cycle route.

5. Existing trees and hedgerows along the side and rear boundaries of the site shall be retained and protected.

**Reason:** In the interests of residential and 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.

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

**Dated this            day of            2019.**