



An
Bord
Pleanála

Board Order
ABP-304975-19

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0197.

Appeal by David McConnell care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 27th day of June, 2019 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Construction of a two-storey detached dwelling with a first-floor balcony to the front elevation, a single storey detached garage, new vehicular entrance and driveway from South Shore Road, boundary treatments, alterations to site levels, and all associated ancillary site development works necessary to facilitate the development on a site at South Shore Road, Rush, 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 scale, form and design of the proposed dwelling and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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 received by An Bord Pleanála on the 24th day of July, 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.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interests of traffic safety and residential amenity.

4. 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.

5.
 - (a) The front boundary wall shall be set back five metres from the road edge, in line with the front boundaries of the existing dwelling either side of the proposed development. The area between the road edge and the boundary shall be maintained as grass verge.
 - (b) The front boundary wall shall not exceed a height of 0.9 metres.
 - (c) No development of any form including planting, fences or wing walls shall exceed a height of 0.9 metres within the area required to provide visibility from the site entrance point.
 - (d) The vehicular entrance-splay (that is, the paved area lying between the edge of the road carriageway and the gate/piers of the site entrance) shall be constructed in a bound road material or other suitable material to details agreed in writing with the planning authority prior to commencement of development.
 - (e) The gradient of the access road shall not exceed 2.5% over the last six metres of its approach to the public road.

- (f) 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.
- (g) All the above works shall be carried out at the developer's expense according to the requirements of the planning authority.

Reason: In the interest of traffic safety.

- 6. 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.

- 7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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.

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

Dated this day of 2019.