



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0753

Appeal by Joe and Collette Briody, Guy and Gillian Molyneux and Barbara McEvoy of Faoiseamh, New Road, Howth, Dublin against the decision made on the 8th day of July, 2019 by Fingal County Council to grant subject to conditions a permission to Brian Hannon care of Fergus Flanagan Architects of Crescent Quay, Wexford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of two number detached dwellings, new vehicular access with all associated site works at Windgate Rise, Howth, 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 'RS - residential' zoning of the site, to the established residential character of the area, and to the pattern of development in the area, it is considered that the proposed development would be in accordance with Objective HOWTH 4 as set out in the Fingal County Development Plan 2017-2023, which seek to manage the Special Amenity Area. The layout, scale, form and design of the proposed development would not impact on the residential amenity of neighbouring property or the visual amenity of the surrounding residential area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the policies and objectives of the current Development Plan and the Howth Special Amenity Area Order, and would 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 25th day of June, 2019 and by the further plans and particulars received by An Bord Pleanála on the 2nd day of September, 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. 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The landscaping scheme and tree planting plan, as submitted to the planning authority on the 25th day of June, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of tree protection, and in the interest of residential and visual amenity.

6. 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.

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

Dated this day of 2019