



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: FW19A/0091

Appeal by Sean Shields care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 19th day of July, 2019 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of a new two-storey semi-detached dwelling to the south-east of number 48 Saint Brigid's Park, Blanchardstown, Dublin. The development is to include the provision of in-curtilage parking to the new proposed dwelling, provision of on-street parking for number 48, setting back of existing front boundary wall, footpath connectivity, connection to existing mains services, the demolition of existing porch and relocation of entrance door to front elevation of number 48 along with the demolition of existing single storey garage and fuel store and all associated site works, at number 48a Saint Brigid's Park, Blanchardstown, 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 context and size of the site and its capacity to accommodate an additional dwelling, it is considered that the proposed development would, subject to compliance with the conditions set out below, be in accordance with Objective PM44 of the Fingal County Development Plan 2017-2023 which seeks to 'encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected'. The layout, scale, form and design of the proposed development would not detract from the character or visual amenity of the surrounding streetscape, would not adversely impact on the residential amenity of neighbouring property, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would be in accordance with the policies and objectives of the current County Development Plan 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, 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: In the interest of public health.

3. Prior to commencement of the development, the developer shall enter into a water and/or waste connection agreement with Irish Water.

Reason: In the interest of public health.

4. The lounge extension to the rear of the proposed dwelling at ground floor level and the first floor ensuite w.c. serving Bedroom No. 01 of the proposed development as shown on the Drawing Number 19-002-PL shall be omitted. Revised drawings, showing these omissions and the proposed modifications to the fenestration of Bedroom No. 01 in light of the revised first floor design, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

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. Any entrance gates shall open inwards towards the site and not outwards onto the public road. All works shall be carried out at the developer's expense and to the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development and in the interest of pedestrian and traffic safety.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. 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.

Dave Walsh

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

Dated this day of 2020