



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: FW19A/0094.

Appeal by Adam Keating and Eimear Scully care of Paul Sheehy of 4 Maywood Crescent, Raheny, Dublin against the decision made on the 1st day of August, 2019 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Construction of a two-storey dwelling to the side, the new dwelling will include a single storey bay window to the front and side, revised vehicular access for the proposed and existing dwelling providing one car space each to the front, new boundary walls, piers and gates, and all associated landscaping, SUDS drainage and ancillary enabling works to the existing dwelling to include: (1) the demolition of an existing single storey kitchen and shed structure to the rear, (2) a new bedroom fire escape window at first floor level to the rear and (3) all ancillary interior alterations to accommodate the proposal. All at 23A Saint Patricks Park, 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 amenities of the area or of property in the vicinity 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 attenuation and 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 a water connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of public health.

4. The following requirements of the planning authority shall be adhered to in relation to the proposed development:
 - (a) The dividing/boundary wall between the driveways shall not exceed a height of 0.9 metres over the last three metres adjacent to the public footpath.
 - (b) The vehicular access, serving the proposed development shall comply with the requirements of the planning authority for such road works.
 - (c) 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 the external finishes to the proposed development, 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 communal 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.

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

Dated this day of 2019.