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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0126**

**Appeal** by RKD Architects Limited of 59 Northumberland Road, Ballsbridge, Dublin and by Roxanne White of Couleen, Baily, County Dublin against the decision made on the 29<sup>th</sup> day of August, 2019 by Fingal County Council to grant subject to conditions a permission to Monterey Ros Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Demolition of the existing circa 28 square metres garage in the north-western corner of the site adjacent to the front boundary with Carrickbrack Road; (ii) construction of a circa 48 square metres garage in the same location as the existing garage on site; (iii) alterations to the existing elevated driveway, including an increase in width in parts; (iv) part demolition/alterations to the front boundary wall/fencing, driveway, entry gate and internal walls to accommodate changes to the site entrance and driveway; (v) alterations to the grass verge and footpath adjacent to the site entry; (vi) improvements to the existing storm water and foul water drainage network on site and (vii) landscaping, boundary treatments and all associated works necessary to facilitate development. No works are proposed to the existing dwelling on site as part of this application, all at The End, Baily, Carrickbrack Road, Howth, 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 zoning of the site, the design and location of the proposed development within the site and its orientation and distance from nearby property, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the amenity of residential property in the vicinity of the site, the landscape character of the area or protected views from public roads and footpaths and would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023 and the Howth Special Amenity Area Order 1999 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, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of August, 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. The garage and associated parking area shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be sold, rented or leased independently of the house and shall not be used for the carrying out of any trade or business or residential purposes.

**Reason:** In the interests of clarity, visual and residential amenity.

3. Prior to the commencement of development, details shall be submitted to, and agreed in writing with, the planning authority showing that a copy of the Conservation Report, photographs and drawings of the floor plans and elevation of the existing structure 'The Shack' have been lodged with the Irish Architectural Archive.

**Reason:** In the interest of clarity and to ensure that a proper record has been preserved.

4. Prior to the commencement of development, the following landscaping and tree protection details shall be submitted to, and agreed in writing with, the planning authority:
- (i) Details of tree protection measures to be implemented, prior to the commencement of construction works. This shall include that a suitably qualified Arboricultural Consultant shall be engaged to monitor works on site during the construction period. Existing trees shall be retained except where necessary to facilitate the works.
  - (ii) Plans for the retention of tree T2852 (Sycamore B2 as indicated in the Tree Survey Report submitted with the planning application) affected by the development works.
  - (iii) A comprehensive boundary treatment and landscaping scheme for the site and a timescale for implementation.

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:** To protect trees and planting during the construction period and in the interests of landscaping and visual amenity.

5. A tree bond of €50,000 (fifty thousand euro) shall be lodged with the planning authority prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. The tree bond shall be held by the planning authority for a period of three years and shall not be released until an Arboricultural Assessment Report and Certificate signed by a qualified arborist has been submitted and any remedial works have been fully undertaken to the satisfaction of the planning authority.

**Reason:** To ensure the protection and long-term viability of trees to be retained on site.

6.
  - (a) The proposed widening of the vehicular access and alterations to the ramp and driveway, including the installation of safety barriers, serving the proposed development, shall comply with the requirements of the planning authority for such works.
  - (b) The existing roadside boundary wall shall be retained, except where necessary to facilitate the widening of the entrance. The maximum width of the vehicular entrance shall be six metres.

**Reason:** In the interests of visual amenity and of traffic and pedestrian safety.

7. 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. 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.

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

**Dated this            day of            2020.**