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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0385.**

**Appeal** by Hatley Homes Developments Limited care of Corr and Associates of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 14<sup>th</sup> day of October, 2019 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of four number four bedroom detached dwellings broken down as follows: two number house type A at 312 square metres each, two number house type B at 224 square metres each, removal of tarmacadam surface of former car park to facilitate development, connection to mains foul drainage public network and other services via Channel Road, two number within curtilage car parking spaces per dwelling, vehicular access onto Sundrive Road and Channel Road and all associated site development and engineering works necessary to facilitate the development on an infill site of 0.33 hectares between Channel Road and Sundrive 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 dwellings 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 traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the Development Plan, however, having regard to the provisions of Section 37(2)(b)(iii) and (iv) of the Planning and Development Act, 2000, as amended, and, in particular, to Government policy, as expressed in the National Planning Framework, and having regard to the pattern of development in the area, the Board considered that planning permission should be granted for the proposed development.

## **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. The proposed development shall be amended as follows:
  - (a) The first floor window opes on the side elevations of the proposed dwellings serving bedrooms shall be omitted.
  - (b) The provision of permanently fitted obscure glazing to landing/ stairwell window opes on the side elevations of the proposed dwellings.
  - (c) Revised elevation drawings accurately labelling the orientation of their side elevations and a revised layout plan accurately detailing the layout/position of all dwellings on adjoining lands.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

3. 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.

4. The 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. 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.

6. (a) The front boundary of each of the sites fronting onto Sundrive Road shall be set back as detailed on Drawing Number P100 to allow for road widening and the provision of a future footpath.
- (b) The dividing/boundary walls between the driveways shall not exceed a height of 0.9 metres over the last three metres adjacent to the public carriageway.
- (c) The construction details of the road widening shall be agreed on site with the planning authority prior to commencement of works.
- (d) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary on Sundrive Road at the developer's expense.
- (e) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (f) The footpath and kerb on Channel Road shall be dished at the developer's expense to the satisfaction of the planning authority.

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

**Reason:** In the interest of traffic safety.

7. Site development and building works shall be carried out only between the hours of 0700 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 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.

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. Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. 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.

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**Paul Hyde**

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

**Dated this            day of            2020.**