



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0622

Appeal by Con and Helen Gilmore care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 18th day of October, 2019 by Fingal County Council to refuse a permission to the said Con and Helen Gilmore for the proposed development.

Proposed Development: (i) The construction of a two-storey, four-bedroom detached dwelling to the north of the existing dwelling on the site. (ii) New vehicular entrance off Upper Cliff Road to serve existing house. (iii) Alterations to existing entrance off Thormanby Road. (iv) Roof-lights, boundary treatment, SuDS drainage, landscaping and all associated site development works, all at Cannon Rock House, Thormanby 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 'RS - residential' zoning of the site, the established residential character of the area, and the nature, scale and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual or landscape character of the area, would not seriously injure the amenity of existing residences in the area, including the existing dwelling 'Cannon Rock House', and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development, as amended at appeal stage, would not overbear or adversely affect the character of 'Cannon Rock House', and having regard to the nature of the subject site, the proposed development would not adversely impact on the wider landscape and amenity character of the area. In addition, the Board determined that safe vehicular access/egress to 'Cannon Rock House' could be provided by means of the widening of the existing entrance off Thormanby Road, which would serve both dwellings.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 24th day of September, 2019, and by plans and particulars received by An Bord Pleanála on the 14th day of November 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. Vehicular access/egress to and from both the proposed dwelling and the existing dwelling 'Cannon Rock House', shall be via the widened entrance off Thormanby Road, as shown on Drawing Number 2017-74-ABP-100, 'Existing and Proposed Site Layout Plan, Section B-B' as received by An Bord Pleanála on the 14th day of November, 2019.

Reason: In the interest of clarity.

3. The garden area to the rear (east) of the proposed dwelling, shall be set at a depth of 10 metres from the nearest point of the east elevation of the proposed dwelling. Details setting out the reconfigured garden area, including boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Water supply and 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.

5. 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.

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

Reason: In the interest of visual amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows, shrubs, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species.
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (v) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Boundary treatment details of the proposed dwelling.

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 three 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 interests of residential and visual amenity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

9. 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.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

11. Proposals for a house name and/or numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the house name and/or number, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility.

12. 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.

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

Dated this day of 2020.