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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW19A/0107**

**Appeal** by Joan McGowan of 26 Coolmine Lawn, Blanchardstown, Dublin and by others against the decision made on the day of 30<sup>th</sup> day of October, 2019 by Fingal County Council to grant subject to conditions a permission to Dermot Brady of Woodside, 28 Coolmine Lawn, Snugborough Road, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Proposed demolition of existing porch, new wall blocking existing vehicular entrance off Snugborough road, construction of two number two-storey semi detached dwellings, new vehicular entrance's onto Coolmine Lawn, removal of south eastern boundary wall, connection to local authority/Irish Water watermain, foul and surface water treatment systems, provision of off-street parking and all associated site works, all at Woodside, 28 Coolmine Lawn, Snugborough Road, 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 policies and objectives set out in the Fingal County Development Plan, 2017-2023, the nature and scale of development proposed and the surrounding pattern of development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objectives for the site and relevant development standards, would not seriously injure the residential amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of pedestrian and 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 as amended by the further plans and particulars submitted to the planning authority on the 3<sup>rd</sup> day of October 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 existing vehicular entrance to number 28 from the Snugborough Road shall be permanently closed prior to occupation of the proposed dwellings and the existing entrance shall be replaced with a block wall of height and finish to match the existing wall. No vehicular access to the existing or proposed dwellings shall be provided from Snugborough Road.

**Reason:** In the in the interests of vehicular and pedestrian safety.

3. Prior to occupation of the proposed dwellings, the area of open space detailed on site plan drawing number 1701/02, submitted to the planning authority on 3<sup>rd</sup> day of October, 2019, shall be transferred to the local authority free of charge. The developer shall be liable for all costs associated with the transfer.

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

4. All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

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

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

6. 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. Prior to the commencement of development, final details of the surface water drainage arrangement shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

8. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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.

**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 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.

11. 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 management measures and off-site disposal of construction/demolition waste.

The plan shall also detail specific measures for the protection from damage during the course of construction of existing trees within the adjoining public open space to the west.

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

12. Prior to the commencement of development on the site, details of the design of the front boundaries of proposed dwellings and of the wall bounding the proposed area of public open space shall be submitted to, and agreed in writing with, the planning authority.

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

13. 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 on adjoining lands 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.

14. 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. The application of any indexation required by this condition 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.

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

**Dated this            day of            2020.**