



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0301

Appeal by Lorraine Allen and Thomas Knapé of Island View, Tower Street, Rush, County Dublin against the decision made on the 15th day of November, 2019 by Fingal County Council to grant subject to conditions a permission to Damien and Helen Doyle care of Graham Architecture of Portrane Road, Donabate, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of an existing single storey dwelling house, demolition of an existing boundary wall to Tower Street, closure of existing vehicular entrance and construction of a single replacement two-storey dwelling with integrated garage, all associated site works including new boundary wall and new vehicular access to Tower Street on the site of Saint Judes, Tower Street, Rush, County Dublin. Revised public notices were received by the planning authority on the 24th day of September, 2019.

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.

Appropriate Assessment

The Board noted the Natura impact statement submitted with the application. The Board concurred with the examination and conclusions of the Inspector in relation to Appropriate Assessment and was satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), Rogerstown Estuary Special Protection Area (Site Code: 004015), and Rogerstown Estuary Special Area of Conservation (Site Code: 000208), or any other European site, in view of the site's Conservation Objectives. In doing so, the Board adopted the Inspector's report in this regard.

Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017-2023, and to the nature and scale of the proposed development, the Board considered that, subject to compliance with the following conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or give rise to traffic hazard. 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 and as amended by the further plans and particulars submitted on the 13th day of September, 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 proposed dwelling shall be occupied as a single residential unit and it shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the proposed development in the interest of residential amenity.

3. All windows on the northern and southern elevation at first floor level shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of the residential amenities of the area.

4. 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.

5. The flat roof to the rear of the dwelling shall not be used as a balcony/additional amenity space and no access from the house shall be provided from the first floor level internal space without a prior grant of permission.

Reason: In the interest of the residential amenities of the area.

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.

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. The following requirements of the planning authority shall be complied with in full:
 - (a) The front boundary wall shall not exceed a maximum height of 900 millimetres.
 - (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding 900 millimetres; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - (c) A footpath shall be provided by the developer as part of the proposed development along the front boundary of the proposed development, in line with the existing footpaths to the north and south.
 - (d) The footpath and kerb shall be dished.
 - (e) No gate shall open across a public footpath/roadway.
 - (f) All underground or overhead services shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
 - (g) All stormwater shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.

Details of the above requirements which, shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenities and in order to ensure adequate drainage provision in the interest of public health.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground throughout the entire site.

Reason: In the interests of visual and residential amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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 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.

Paul Hyde

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

Dated this day of 2020