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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0608**

**Appeal** by Frank Deane care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 17<sup>th</sup> day of February, 2020 by Fingal County Council to grant subject to conditions a permission to Adrian Peter O'Hare 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 an existing two storey four bedroom detached dwelling (Cuala) and (ii) construction of a three-storey over basement, five-bedroom detached dwelling with third storey pitched roof setback, single storey flat roof orangery to rear, balcony to front, and roof-lights (identical to that approved as House 'A' under register reference F18A/0661. Other works as part of the development include SuDS drainage, landscaping, boundary treatments, two number on-curtilage car parking spaces, alteration of existing vehicular access off Greenfield Road and all associated works necessary to facilitate the development, all at Cuala, Greenfield Road, 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 planning history of the site, the zoning provisions of the Fingal Development Plan 2017-2023, the location of the site within the residential area in Sutton, the nature of the existing dwelling proposed for demolition, the nature and scale of the proposed development 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 and in terms of flood risk. 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 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 6<sup>th</sup> day of September, 2019 under An Bord Pleanála appeal reference number ABP-304323-19 and any agreements entered into thereunder.

**Reason:** In the interest of clarity.

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

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

4. The trees along the northern site boundary shall be retained and prior to the commencement of development, a comprehensive boundary treatment and landscaping scheme for the site, to include a plan for the protection of existing trees to be retained, during construction, shall be submitted to, and agreed in writing with, the planning authority.

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

5. Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, 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. The vehicular access and driveway, serving the proposed development, shall comply with the requirements of the planning authority for such works.

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

7. 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.

8. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

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

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

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

10. 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 management of construction/demolition waste.

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

11. 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.

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 be applied to the permission.

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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.**