



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0523

Appeal by Gerry Giblin care of Avison Young of 2 to 4 Merrion Row, Dublin against the decision made on the 18th day of March, 2020 by Fingal County Council to grant subject to conditions a permission to Begona Alcaez care of JE Architecture of Park House, Ballisk Court, Donabate, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for a single storey extension to the rear to accommodate new ensuite and granny flat, minor alterations internally to existing dwelling along with ancillary works, all at 73 Dublin Road, Sutton, 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 nature and scale of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of property in the vicinity. 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 on the 21st day of February, 2020, 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 dwelling and the proposed extension shall be jointly occupied as a single residential unit except for such use as may be exempted development for the purposes of the planning and development regulations.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. An interconnecting doorway shall be provided between the proposed granny flat and the existing dwelling. The granny flat shall not be separated from the main dwelling or be used for the carrying out of any trade or business or any form of tourist accommodation and shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot. The proposed granny flat shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: In the interests of the proper planning and sustainable development of the area and to prevent unauthorised development.

4. The proposed boundary treatments along the eastern property boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenity of adjoining residential property.

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

7. 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.

8. 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.

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

Dated this day of 2020.