



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0043

Appeal by Alan and Mary Ivory care of J. Mc Sweeney Architects of 7 Abbey Street, Howth, Dublin against the decision made on the 23rd day of March, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing side and rear extensions, minor alterations to existing house, construction of two single storey houses at rear, 94 square metres each, widening of existing road entrance, construction of new access road to the side of existing house and all associated works at Number 30 Howth 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 the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the character of the area and would not seriously injure the amenities of the area or the amenities of properties in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development at this location. 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 received by An Bord Pleanála on 8th day of June, 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. Proposed House 'B' shall be omitted from the development hereby approved and the area originally proposed as the footprint and curtilage of this dwelling shall be subsumed into the private open space areas of this dwelling shall be subsumed into the private open space areas for House 'A' and the existing house. Revised drawings of the reconfigured private open space areas for House 'A' and the existing house, including the boundary treatment between same, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect residential amenity and the physical character of the area.

3. The layout of House 'A' shall be amended as follows:

- House 'A' shall be re-sited within its plot such that the building form is positioned at an equal distance from the east and west site boundaries.
- The vehicular access and parking area for House 'A' shall be relocated to the south of the dwelling and the original proposed parking area to the north of House 'A' shall form part of the private open space serving the dwelling.
- The window serving the proposed study shall incorporate opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect residential amenity and to prevent overlooking of neighbouring properties.

4. A proposed landscaping scheme shall be submitted to, and agreed with, the planning authority prior to commencement of development. The scheme shall incorporate landscaping measures along the eastern and western site boundaries and following agreement shall be completed on the site prior to occupation and maintained thereafter.

Reason: In order to protect residential amenity and to prevent overlooking of neighbouring properties.

5. Tree protection measures shall be agreed with the planning authority and implemented on the site prior to the commencement of development.

Reason: In order to ensure the protection of retained trees on the site in the interests of biodiversity and 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 agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

8. The vehicular access to the site from Howth Road and parking layout for both dwellings shall accord with the requirements of the planning authority, details of which shall be submitted to and agreed in writing, prior to the commencement of development.

Reason: In the interest of road safety.

9. 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.

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.

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.

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

Dated this day of 2020