



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0551

Appeal by Andrew Butterly of 2 Thornleigh Court, Rush, County Dublin against the decision made on the 10th day of June, 2020 by Fingal County Council to grant subject to conditions a permission to Frank Ruigrok care of Joseph English Architecture of Park House, Ballisk Court, Donabate, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new detached two storey three bedroom house and new vehicular access from Thornleigh Court to rear of existing Mall House apartments as amended by the revised public notice received by the planning authority on the 20th day of March, 2020 providing for the following amendments:- exact dimensions of front boundary block wall, revised width of vehicular entrance, demonstration of in-curtilage space for vehicle turning area to front of proposal, confirmation of private and communal space of adjacent Mall House apartment block, to accurately locate surface water pipe to southern boundary and demonstrate that proposals foundation is minimum three metres from said pipe and demonstration of internal dedicated storage of five square metres in floor plans, all at Mall House, Kilbush Lane, Rush, County 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 residential land use zoning of the site, to the pattern of development in the area, to the size of the site and to the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area and would be acceptable in terms of 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 16th day of March 2020 and the 20th day of March, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. Prior to the commencement of this development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

4.
 - (1) Any entrance gates shall open inwards towards the site and not outwards onto the public road.
 - (2) All works shall be carried out at the developer's expense and in accordance with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development and in the interest of traffic safety.

5. The first-floor window opens on the eastern elevation of the proposed dwelling shall be permanently fitted with obscure glazing.

Reason: To prevent overlooking of adjoining residential property.

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

Reason: In the interest of visual amenity.

7. 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.

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

8. All public service cables 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.

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. 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.