



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0122

Appeal by Brian Dennehy and others care of 85 Channel Road, Rush, County Dublin against the decision made on the 30th day of June, 2020 by Fingal County Council to grant subject to conditions a permission to Karen Harford care of Bell Associates of Whitestown Road, Rush, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of new housing development, consisting of six number terraced, two-storey, two bedroom dwellings, in two number opposing blocks of 3 units each, new footpaths, new boundary walls, demolition of existing boundary wall to provide new vehicle access road from Palmer Court, demolition of existing garage, sunroom, and boundary wall to dwelling immediately to North of proposals to Palmer Road for the purposes of facilitating all construction traffic, and all associated site developments works on site (0.126 hectares), all at site adjacent to (east of) Palmer Court, Palmer Road, 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 'RS' zoning objective for the site, as set out in the Fingal County Development Plan 2017-2023, to "provide for residential development and protect and improve residential amenity", together with 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 set out below, the proposed development would represent an appropriate form of development, with appropriate access, parking, private open space and drainage, 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, 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 road access to the site from Palmer Court, which shall include proposals for pedestrian access and which shall incorporate the shared surface principles set out in the Design Manual for Urban Roads and Streets, shall comply with the requirements of the planning authority. In this regard details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. (1) The proposed boundary wall along the western boundary of the site facing Palmer Court shall be suitably capped and rendered on both sides. The entrance piers shall be suitably capped and finished in red brick to match the houses within the scheme hereby permitted.

(2) Rear gardens shall be provided with a wall or fence of minimum height 1.8 metres along shared boundaries.

- (3) All first floor windows in the gable elevations of Blocks A and B shall be fitted and permanently maintained with obscure glass.

Reason: In order to protect residential amenity.

4. The external finishes of the houses hereby permitted shall comprise or be a combination of neutral coloured render and red coloured brick for the external walls and blue/black coloured roof slate/tile, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

5. Drainage arrangements 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 the commencement of development.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. (1) The landscaping proposals shall be as indicated on drawing number 49-49-04 entitled "Elevations, Section and Landscape/Boundary Treatment Plan", and shall be carried out and completed before the end of the first planting season following commencement of development.

- (2) The existing mature trees on the entire southern boundary and on the mid-section on the eastern boundary of the subject site shall be carefully retained and protected during construction in accordance with Drawing Number 49-49-4 entitled 'Elevations, Sections and Landscape/Boundary Treatment Plan'.

Reason: To protect the visual amenity of the area.

8. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house/unit within the relevant phase of the development.

Reason: In the interests of amenity and public safety.

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 include details of intended construction practice, noise management measures, parking proposals for construction workers on the site and storage of materials and waste within the site.

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

11. Site development and building works shall be carried out only between the hours of 0700 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 as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, in lieu of the provision of public open space within the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

13. 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Dated this day of 2020.