



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20B/0104

Appeal by Derek and Carol Downes care of Corr and Associates of Unit 10 North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 9th day of July, 2020 by Fingal County Council to refuse a permission to Derek and Carol Downes for the proposed development.

Proposed Development: Alterations and extension of the existing dwelling from 177 square metres to 236 square metres and will include the following: (i) demolition of existing single storey extension to the rear (22 square metres), (ii) new ground floor extension to the rear (32.1 square metres) with rooflight, (iii) new ground and first floor extension to the front (11.4 square metres), (iv) new bedroom accommodation on the second floor (35.3 square metres) with dormer window to the front and rear. (v) external alterations including enlargement of existing openings, replacement of windows, replacement of roof, external insulation and new external finishes, (vi) internal alterations, provision of new stair, general repair and refurbishment. (vii) new

detached home gym to the rear (17.9 square metres) and ancillary works, drainage and site works to facilitate the development, all at Sweet Auburn, Strand Road, Portmarnock, 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 relevant provisions of the Fingal County Development Plan 2017 – 2023, including the zoning of the site, to the pattern of development in the vicinity and to the nature and scale of the proposed development, 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 properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the quality of the architectural design and also noted the ability of the surrounding streetscape to absorb the scale of the development proposed. The Board also shared the view of the Inspector that a reasonable interpretation of Objective NH 40, as set out in the Fingal County Development Plan 2017 - 2023, which seeks to protect views and prospects which contribute to the character of the landscape, is to afford protection to the natural coastal landscape to the east rather than the developed lands to the west.

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. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

Reason: In the interests of visual and residential amenity.

3. 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.

4. 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.

5. 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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.