



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW20A/0060

Appeal by Caroline Rainsford care of Stephen Molloy Architects of 12 Saint Brigid's Shopping Centre, Main Street, Blanchardstown, Dublin against the decision made on the 14th day of July, 2020 by Fingal County Council to refuse a permission for the proposed development.

Proposed Development: The construction of a part single/part two storey, detached, three-bedroom dwelling in the side garden area to include off street parking for two number cars, ancillary site works and connections to all services, all at 47 Sycamore Avenue, Castleknock, Dublin.

Decision

GRANT permission 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 Development Plan 2017-2023 including the residential zoning of the site, to the pattern of development in the vicinity and 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, would not seriously injure the amenities of the area or the amenities of properties in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. 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. Boundary treatments shall be provided as follows:
 - (a) along the north-west site boundary, behind the Sycamore Avenue building line, a two metres capped and plastered wall shall be provided;
 - (b) along the shared rear garden boundary with the existing dwelling a wall or fence of minimum height 1.8 metres shall be provided.
 - (c) forward of the Sycamore Avenue building line, a capped and plastered wall of maximum height 900 millimetres or hedging of maximum height 900 millimetres shall be provided and maintained.

Reason: In the interest of visual amenity and to protect residential amenity.

3. Plans and particulars setting out revised vehicular access arrangements for both the existing dwelling and the proposed dwelling, incorporating either a shared access or two separate access points with a maximum overall width of six metres, or as otherwise agreed with the planning authority, and positioned to enable the retention of the existing street tree located to the front of the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and landscape amenity, and pedestrian and traffic safety.

4. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

5. 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.

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

Reason: In the interest of public health.

7. A naming and numbering scheme for the proposed dwelling shall be submitted to, and agreed with, the planning authority prior to the occupation of the dwelling.

Reason: In the interest of clarity.

8. Prior to commencement of development, a bond shall be lodged with the planning authority, or such other security as may be acceptable to the planning authority, to secure the satisfactory protection of street trees adjacent to the north-west property boundary from damage during the construction phase. 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 protection of street trees in the interest of biodiversity and 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.

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

Dated this day of 2020