



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0164

Appeal by Michelle Garry care of Alan Fenton of 33A Castleknock Meadows, Castleknock, Dublin against the decision made on the 13th day of July, 2020 by Fingal County Council in relation to an application by Michelle Garry for permission for (1) Removal of existing shed, (2) Construction of new single storey extension, area 28.2 square metres, to the rear of the existing dwelling, (3) Modifications of existing rear wall and roof of existing single storey extension, (4) Reconfiguration of existing ground floor layout, (5) Relocation of existing pillar and widening of existing vehicular entrance, (6) All associated site development works, all at Number 12 Berwick Drive, Swords, County Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the relocation of existing pillar and widening of existing vehicular entrance and all associated site development works, and to refuse permission for the removal of existing shed, the construction of new single storey extension, area 28.2 square metres, to the rear of the existing dwelling, modifications of existing rear wall and roof of existing single storey extension, reconfiguration of existing ground floor layout and all associated site development works).

Decision

GRANT permission for the relocation of existing pillar and widening of existing vehicular entrance and all associated site development works, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the removal of existing shed, the construction of new single storey extension (area 28.2 square metres), to the rear of the existing dwelling, modifications of existing rear wall and roof of existing single storey extension, reconfiguration of existing ground floor layout and all associated site development works based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the nature and scale of the proposed development and to the pattern of development in the vicinity, 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.

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 layout of the proposed vehicular access and front garden parking area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be implemented and retained thereafter.

Reason: In the interests of traffic and road safety.

3. 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.

Reasons and Considerations (2)

The proposed development, by reason of the close proximity of the proposed link corridor rear extension to the shared property boundary wall with Number 10 Berwick Drive and the necessity to effectively raise the height of this boundary wall to 2.8 metres immediately to the rear of this adjoining house, would have an unacceptable overbearing impact on the adjoining property. It is considered that the proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

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

Dated this day of 2020.