



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0192

Appeal by Michael McGinn care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin against the decision made on the 20th day of July, 2020 by Fingal County Council to refuse permission to Michael McGinn for the proposed development.

Proposed Development: (1) Demolish the existing attached single storey garage and two-storey section to the rear of the garage containing a utility/kitchen on the ground floor plus a bedroom on the first floor. (2) Construct a two-storey dwelling of 98 square metres to the side of existing dwelling. (3) Use the vehicular entrance to serve the proposed new house and construct a second vehicular entrance to serve the existing house. (4) All other ancillary site works. All at 58 Howth Road, Howth, 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 location of the site on residentially zoned lands, as set out in the Fingal County Development Plan 2017 – 2023, to the provisions for this type of development, as set out in the Development Plan, to the nature, scale and design of the proposed development and to the pattern of development in this suburban serviced area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, nor would it seriously injure the residential and visual amenities of the area. Furthermore, subject to the provision of one shared entrance to serve the existing and proposed dwelling, it is considered that the proposed development would not endanger public safety by reason of a traffic hazard nor would it give rise to a loss of a tree within the public domain that contributes to the visual qualities of the streetscape scene of which the site forms part. 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 development shall be amended as follows:
 - (a) The lateral separation distance between the western elevation of the proposed attached dwelling and the inner boundary wall shall not be less than 1,200 millimetres along its entire length.
 - (b) The proposed development shall be revised by way of the provision of one shared vehicle and pedestrian entrance that shall serve the existing dwelling and proposed dwelling. It is advised that consideration is given to maintaining the position of the existing entrance to serve both developments so that there is no reduction in sightlines for vehicles accessing and egressing the site.

Revised drawings, including revised site plans, showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The first-floor bathroom window located on the western side elevation shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal 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 interests of visual and residential amenity.

6. (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority and shall include a minimum of a two metre solid boundary along the entire length of the rear boundary separating the existing dwelling and the new dwelling's rear garden private amenity space.
- (b) Development shall not commence without the prior written agreement of all boundary treatments with the planning authority and, thereafter, shall only be authorised to commence in accordance with the agreed plans.

Reason: In the interests of residential and visual amenity.

7. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details, shall comply with the requirements of the planning authority for such works and services.
- (b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the front of the proposed dwelling and the existing dwelling as part of the car parking on-site provision and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted.

Reason: In the interest of public health and to ensure orderly disposal of surface water.

8. Prior to 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.

9. 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.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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.