



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW20A/0076

Appeal by Arthur and Mary McGrail care of Jim Brogan Planning and Development Consultant of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 16th day of July, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The construction of private dwelling together with connection to proposed and existing services and including all ancillary site works at 37 Castleknock Lodge, Castleknock, 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 which applies to the site under the Fingal County Development Plan 2017-2023, under which residential development is permissible, 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 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. Prior to the commencement of development, details of the location of an existing Irish Water 110 millimetres watermain on the site shall be provided, together with confirmation that the proposed house would achieve a setback of not less than three metres from this Irish Water asset.

Reason: In the interest of public health.

3. Boundary treatments shall be provided as follows:
 - (a) along the north and north-west site boundaries native hedgerow planting shall be provided and maintained. Should the existing hedge be compromised by construction it shall be replaced in accordance with proposals agreed with the planning authority prior to occupation,
 - (b) along the shared boundary, behind the Castleknock Lodge building line, a wall or fence of minimum height 1.8 metres shall be provided, and
 - (c) forward of the Castleknock Lodge 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.

4. Measures to ensure the protection of an existing street tree adjacent to the site access during construction shall be agreed with the planning authority and implemented on the site prior to the commencement of development.

Reason: In order to ensure the protection of retained trees on the site in the interests of biodiversity and visual amenity.

5. The vehicular access serving the proposed house shall have a maximum internal width of four metres.
Reason: In the interests of visual amenity and pedestrian safety.

6. 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.

7. A naming and numbering scheme for the development shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the dwelling.
Reason: In the interest of clarity.

8. 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.

9. 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.