



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0253

Appeal by Andrea and Ed Cronnelly care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 21st day of July, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of existing single storey detached garage (30 square metres); (ii) widening of existing vehicular entrance via Windgate Road and replacement of existing vehicular gate; (iii) minor internal alterations to ground and first floor level layouts of dwelling approved under planning register reference number F19A/0099; (iv) construction of single storey extension (307square metres) to accommodate plant/storage space, gym, home office and domestic swimming pool with associated sauna/steam room and changing room facilities; and (v) all associated ancillary works necessary to facilitate the development including SUDS surface water drainage, site works, boundary treatments and landscaping, all at Horizons, Windgate 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 policies and objectives of the Fingal County Development Plan 2017-2023, the zoning objective for the site, the location of the site within the area covered by the Howth Special Amenity Area Order, the topography and configuration of the site and its boundaries, the form, scale and design of the proposed development, and the planning history on the site and in the area, it is considered that, the proposed development would not materially contravene the current development plan for the area and, subject to compliance with the conditions set out below, would not have a significant negative impact on this sensitive coastal landscape or prescribed views, given the low profile design of the proposed development on this sloped site, and its limited visibility from the northern and southern boundaries. The proposed development would be acceptable in terms of visual impact on the surrounding landscape, and 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, considered that the proposed development would be largely invisible from the public realm along Windgate Road, that the impact on prescribed views would be negligible, and that the proposed development would only be visible for a limited extent along the Old Carrickbrack Road, and that the views towards the site from the south are not protected in the context of the Howth Special Amenity Area Order. The proposed development would not result in an unacceptable and negative visual impact on the surrounding landscape and would, therefore, be in accordance with the policies and objectives of the development plan.

Furthermore, the Board was satisfied that the information submitted regarding the proposed drainage systems for the site was sufficient, and that further detailed requirements would be subject to condition and agreement with the planning authority prior to commencement of development, and therefore the proposed development would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 17th day of August, 2020, 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 proposed wall along the northern boundary with Windgate Road shall not exceed one metre in height and shall be constructed as a dry stone wall with soldier coping of local stone or similar.
 - (b) The proposed southern boundary wall with Old Carrickbrack Road shall be finished with local stone or similar.
 - (c) The access way within the southern boundary wall shall be blocked up and the wall shall be reinstated.

Revised drawings 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 interest of visual amenity.

3. Old Carrickbrack Road/Tinkers Lane shall not be used for deliveries or to facilitate the construction process.

Reason: In the interest of residential amenity.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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.

Reason: In the interest of public health.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

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. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. The landscaping scheme shown on drawing number 1525/300, as submitted to the planning authority on the 4th day of June, 2020, shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (i) All tree works to be shall be undertaken by a qualified and competent arborist to BS3998 (2010) Tree Work Recommendations standard.
- (ii) An Arboricultural Method Statement including provisions for on-site supervision by an arboricultural consultant shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.
- (iii) The boundary hedge planted inside the proposed roadside boundary wall shall be native species *Ilex aquifolium*.
- (iv) Tree and shrub planting shall extend inside the entire length of the southern boundary with Old Carrickbrack Road/Tinkers Lane, in order to provide adequate screening and as a replacement planting for trees removed. Details shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) on drawing number 1525/300 as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and that all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

13. 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.

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

Dated this day of 2020.