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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0573**

**Appeal** by Elizabeth O’Riordan care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 16<sup>th</sup> day of September, 2020 by Fingal County Council to grant subject to conditions a permission to Jason Peters care of Thomas Garvin of 19 Mount Rochford Rise, Balbriggan, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Reconfiguration of the existing six number two bedroom apartments to two number three bedroom apartments and two number two bedroom duplex apartments (four apartments total). The proposed development includes the construction of an additional storey at third floor and the construction of a new attached three-storey stair core on the West side of the existing building. The development will also include the removal of the existing external stairs on the West and South sides and the removal of ground level storage rooms on the South side of the property at Island View Apartments, Fair's Lane, Skerries, County Dublin as revised by the further public notices received by the planning authority on the 20<sup>th</sup> day of August, 2020.

## **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 'TC' 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 existing and 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 represent an appropriate form of development, which would be in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In not agreeing with the inspector regarding the imposition of a condition to raise cill levels to 1.8 metres above floor level for Bedroom number 3 at ground, first and second floors, the Board had regard to the existing balconies at these locations which are proposed to be removed, and to the residential amenity of future occupants of the apartments, and considered that, the situation with regard to overlooking would be significantly improved by the works proposed and that the condition is unwarranted.

## **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 additional information submitted on the 31<sup>st</sup> day of July 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. Details of external finishes shall be submitted for the written agreement of the planning authority prior to commencement of works, no alterations to same will be permitted in the absence of prior written consent of the planning authority.

**Reason:** In the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development details regarding the treatment of the public realm area surrounding the proposed stair core extension shall be submitted, for the written agreement of the planning authority, which should include measures to preclude the use of the area for informal car parking.

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

4. Prior to commencement of development the developer shall submit details regarding boundary treatments to the planning authority for written agreement.

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

5. The single car parking space shall be individually marked and assigned to the unit which it serves. The space shall be reserved for this identified use and shall not be let or sold separately.

**Reason:** In the interests of the proper planning and sustainable development of the area.

6. Bicycle parking shall be provided in accordance with the planning authority's requirements for same, details of which shall be submitted and agreed in writing prior to the commencement of development.

**Reason:** In the interests of residential amenity and to ensure adequate provision is made for bicycle storage.

7. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

9. 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 include details of intended construction practice, noise management measures, parking proposals for construction workers on the site and storage of materials and waste within the site.

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

10. 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.

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.

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

**Dated this            day of            2021**