



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0591

Appeal by Cormac Kavanagh of 'Cliff House', Balscadden Road, Howth, County Dublin against the decision made on the 5th day of October, 2020 by Fingal County Council to grant subject to conditions a permission to Alan and Georgina Staunton care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Two storey extension to side (west) and rear, (b) single extension to side (east) including conversion of existing garage to habitable accommodation, (c) associated alterations to elevations, (d) new additional vehicular access driveway and (e) all associated site works, all to existing two storey detached house at 18 Asgard Park, 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 residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenity of the area and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 8th day of September 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority drawings and documentation detailing the following: -
 - (a) the omission of the access door to the front elevation of the proposed family flat,
 - (b) the provision of a hip ended roof profile to the proposed family flat in accordance with drawing numbers 18057_16 Rev D and 18057_17 Rev D, as lodged to the planning authority on the 5th day of December, 2019. Drawings should ensure all rainwater goods are located within the red line of the application site, and

- (c) the omission of the full glass sliding door on the east facing elevation of the master bedroom, as detailed on drawing number 18057_15 Rev G submitted to the planning authority on the 8th day of September, 2020 and its replacement with a high cill level window ope similar that as proposed on the western elevation of the master bedroom, as detailed on the same drawing.

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

- 3. (i) The existing street tree in the grass verge to the front of the dwelling along Asgard Park, shall be retained and protected, both above and below ground level, from damage during construction works.
- (ii) A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a tree bond to the value of €800 (eight hundred euro) shall be lodged with Fingal County Council as a security for the protection of the existing street tree in the grassed margin during the course of the development works.

This bond shall be released twelve months after the completion of all site works once it has been ascertained that the tree specified for retention has been preserved and the developer has complied with the requirements of the planning authority in relation to tree protection.

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

4. The proposed family flat shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

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

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0700 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.

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.



Paul Hyde

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

Dated this 27th day of April 2021.