



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20B/0210

Appeal by Philip Collins care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin against the decision made on the 23rd day of October, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Amendment to previously granted permission register reference F19B/0206 to include: (i) alterations to front (North East elevation) consisting: two storey projecting bay window with flat roof over, and alterations to canopy roof over existing bay windows and entrance porch at ground floor level to form new flat roof over and (ii) alterations to ground and first floor front elevation windows, new render finish to all elevations together with landscaping and all associated works necessary to facilitate the development at Oakwood, Balkill 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 provisions of the Fingal Development Plan 2017 to 2023, to the 'RS' land use zoning of the site and its setting, to the pattern of development that characterises this area, to the nature, scale, layout and design of the proposed development, and to the varied built and architectural character of the site's streetscape, it is considered that the proposed development, subject to compliance with the conditions set out below, represents an appropriate and innovative design response to the existing dwelling in a manner which would not seriously injure the existing dwelling on site due to its lack of architectural or other merit nor would it seriously injure the visual amenities of the area or the residential amenities of properties in its vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 first-floor bathroom window located on the northern side elevation labelled 'Master ensuite' shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

4. (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.

5. 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.

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

7. 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 2021.