



An
Bord
Pleanála

Board Order
ABP-308956-20

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW20A/0162

Appeal by Caroga Limited care of PCOT Architects of 57 Fitzwilliam Square North, Dublin against the decision made on the 26th day of November, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing buildings and construction of three number two and half storey two bedroom houses in a single terrace in the side garden and the demolition of the existing front porch and single storey extension to the rear of the existing house and their replacement with a new single storey, part two-storey extension to the rear and dormer windows front and rear at roof level including demolition of the existing front boundary wall and provision of six number car park spaces and ancillary site works at 26 Saint Patrick's Park, Blanchardstown, 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 County Development Plan 2017-2023, in particular, Objectives DMS39, DMS40 and DMS41, to the pattern of development in the area and site context and to its nature and scale, the Board was satisfied that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of visual amenity and would represent an acceptable quantum of development on a serviced suburban infill site. The proposed development 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 was satisfied that the proposed development would not have a significant negative visual impact on the existing streetscape and would not constitute an overdevelopment of the site.

Furthermore, the Board was satisfied that the proposed alterations to the existing roof to raise the ridge height and to provide a dormer window to the rear would not result in an overly dominant form of development and would not have a significant negative visual impact on the character of the area.

The Board noted that the planning authority had decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the Development Plan. However, having regard to the provisions of Section 37(2)(b) of the Planning and Development Act, 2000, as amended, and having regard to the pattern of the development, the Board considered that planning permission should be granted for the proposed development.

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 plans and particulars received by An Bord Pleanála on 18th day of December, 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 the 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 the materials, colours and textures of all the external finishes to the proposed dwellings 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. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of orderly development.

4. 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 interest of residential amenity.

5. 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 12th day of May, 2021