

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20B/0245**

**Appeal** by Bernard I. Kelly of 48 Carrickhill Road, Portmarnock, County Dublin against the decision made on the 2<sup>nd</sup> day of December, 2020 by Fingal County Council to grant subject to conditions a permission to Seamus and Marguerite McGowan care of Paul O'Connell and Associates of 8 Beech Grove, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) The removal of the existing single storey extensions to the side and rear and their replacement with a two-storey pitched roofed extension to the side and part rear including a "Velux" type roof window in the roof side slope. (2) A single storey flat roofed extension to the rear with roof window. (3) A single storey pitch roofed extension to the front at 46, Carrickhill Road, Portmarnock, Fingal, 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**

The proposed extension, in an established residential area, would provide additional residential accommodation, would not detract from the residential amenities of adjoining property or from the character of the area, would protect and improve residential amenity, would comply with the objectives of the Fingal Development Plan 2017-2023 and would, subject to compliance with the conditions set out below, 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 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 proposals to demonstrate compliance with the following:
  - (a) The roof profile of the ground floor front extension shall be amended to a hipped roof profile and the parapet features omitted.
  - (b) The provision of noise insulation to an appropriate standard, having regard to the location of the site within Zone B associated with Dublin Airport.

**Reason:** In the interest of visual amenity and to safeguard the amenities of future occupants.

3. 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 management of deliveries, noise management measures and off-site disposal of construction/demolition waste.

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

4. During the demolition and construction phase of the proposed development, B.S.5228:2009+A1:2014 - 'Code of Practice for Control of Noise and Vibration on Construction and Open Sites Part 1 and 2' shall be adhered to. Where noise levels exceed the threshold, steps shall be taken by the developer to review the works and implement additional mitigation measures where practicable. Noise emissions from the site shall be broadband in nature and free from audible tonal characteristics.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. During the demolition and construction, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include:
  - (i) covering skips,
  - (ii) covering slack heaps,
  - (iii) netting of scaffolding,
  - (iv) regular road and pavement damping and sweeping and
  - (v) use of water spray to suppress dust.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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.

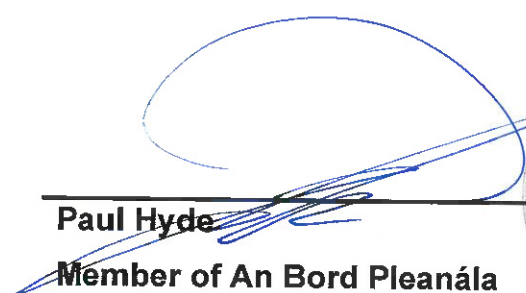
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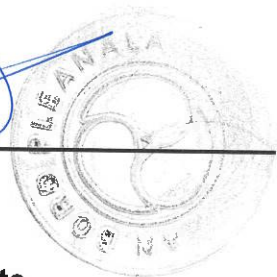
7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

8. 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 29<sup>th</sup> day of April 2021