

An
Bord
Pleanála

Board Order
ABP-309279-21

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0174

Appeal by John and Leonora Ward care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 17th day of December, 2020 by Fingal County Council to grant subject to conditions a permission to Mary Taylor care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development comprises the following: (i) demolition of existing two-storey, three-bed dwelling, (ii) construction of a replacement three-storey six-bedroom dwelling to include (iii) one number pool with ancillary shower, two number changing rooms and one number wc, open plan kitchen/living/dining area, family room, play room, mud room and back kitchen at ground floor level, (iv) four number en-suite bedrooms, one number cinema, play room, laundry room, storage room, bicycle storage, plant room at lower ground floor level, (v) two number en-suite bedrooms at first floor level, and (vi) all ancillary landscaping, engineering and development works necessary to facilitate the development.

The proposed dwelling will have an internal lift to access all three floors, all at Glenlion Pines, Thormanby 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 - 2023 , to the planning history of the site, to the pattern of development in the area and to the nature, scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not injure the character of the landscape and would be acceptable in terms of public health. 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 concurred with the decision of the planning authority and was satisfied having regard to its design, layout and disposition that the design of the replacement house was in accordance with Policy 3.4.2 (new buildings) and that the scale and massing would not be visually dominant, would not detract from the protected pine trees, would not seriously injure the surrounding landscape, and furthermore, would not negatively impact on views from the Cliff Walk or from the coastal area.

In addition, the Board agreed with the assessment of the planning authority and was satisfied that sufficient information had been submitted relative to the impact of the excavation and construction works and proximity of the new build to the percolation area of 'Deepwater', the property to the north, to ensure that the proposed development would be in accordance with current standards for such works

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 17th day of September, 2020 and on the 26th day of November, 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 the materials, colours and textures of all the external finishes to the proposed dwelling 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

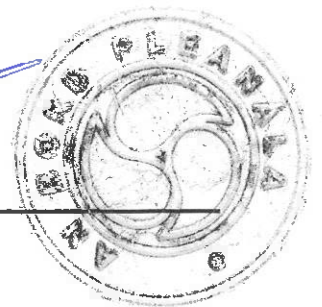
Reason: In the interests of public safety and residential amenity.

6. 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 May 2021.