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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0125**

**Appeal** by Colm O'Byrne of 28 South Strand, Skerries, County Dublin against the decision made on the 22<sup>nd</sup> day of January, 2021 by Fingal County Council to grant subject to conditions a permission to Mary Leahy care of Terence Woods Architects of 4 Church Street, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for a new two-storey detached dwelling with roof balcony, new vehicular entrance (off South Strand) and all associated site works, all at site fronting onto South Strand, bound on the south by Callaghan's Lane, Skerries, 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 nature and scale of the proposed development on a site zoned 'Town Centre', it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2017 - 2023, and the 'TC' zoning for the site, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site and 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 9<sup>th</sup> day of September, 2020 and on the 18<sup>th</sup> day of December, 2020 and by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of February, 2021, 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 all external finishes to the proposed dwelling house 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 site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads on a daily basis by the developer and shall be at the developer's expense.

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

4. 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.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. 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.

7. The developer shall comply with the following transportation requirements:

- (a) The maximum width of the permitted vehicular access shall be four metres.



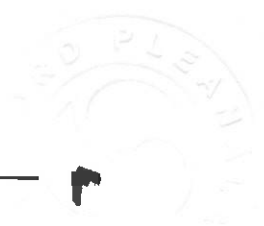
- (b) The rear pedestrian access shall be angled into the site to allow pedestrians leaving the site to observe traffic approaching along Callaghan's Lane as they emerge, as demonstrated on Drawing Number 18-142-PL-03 submitted with the application.
- (c) The permitted development shall be carried out in accordance with the Construction Methodology Report received by the planning authority on the 9<sup>th</sup> day of September, 2020.
- (d) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (e) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
- (f) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
- (g) The gradient of the accesses shall not exceed 2.5 per cent over the last six metres of the approach to the public road.

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

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.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to provide a public car parking space in the Portmarnock area. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.



**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 3<sup>rd</sup> day of June, 2021.