



An
Bord
Pleanála

Board Order
ABP-309516-21

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0612

Appeal by John O'Hanlon care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 28th day of January, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Construction of three number detached contemporary style dwellings known as House 2, 3 and 4, the details of which are as follows; (i) Existing house 1, Seafield House - no alterations, (ii) House 2, will be a two-storey dwelling (199 square metres), three number bedrooms, including rooflights, new vehicular entrance independently accessed via new laneway off Claremont Road, (iii) House 3, will be a two-storey over basement dwelling (289 square metres) with four number bedrooms, rooflights with new vehicular entrance off Claremont Road, (iv) House 4 will be a two-storey dwelling (187 square metres) with three number bedrooms, balcony to rear at first floor level, rooflights with new vehicular entrance off Claremont Road, and (v) new boundary treatments with new vehicular entrance gates to houses 2, 3, and 4, off Claremont Road, new drainage connections to all sites, SUDs

drainage, all associated landscaping, site and ground works necessary to facilitate the development, at Seafield House, Claremont 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 zoning provisions of the Fingal Development Plan 2017-2023, the building line of Claremont Mews to the east, the nature and scale of the proposed development, and the pattern of development in the area, including the developments to the east and to the north of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially contravene the current development plan for the area, and would not seriously injure the amenities of the area or of property in the vicinity. 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 considered that the omission of House number 2, the disposition of the proposed dwellings in relation to the development to the east, and the proposed landscaping would result in an acceptable form of development in the area and would not set an undesirable precedent for future development. Furthermore, it is considered that the proposed development would not be visually discordant and would be acceptable in terms of visual amenity by reason of its design, form and scale.

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 received by An Bord Pleanála on the 23rd 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. The proposed development shall be amended as follows:
- (a) Proposed House number 2 shall be omitted and the area of Site 2, including the proposed access laneway, shall remain part of the garden of existing House number 1.
 - (b) A minimum separation distance of 1.5 metres shall be provided between House number 4 and the eastern site boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellinghouses 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. Prior to commencement of development, a comprehensive boundary treatment and landscaping scheme for the site, to include a plan for the protection of existing trees to be retained during construction, shall be submitted to and agreed in writing with the planning authority. Details for the protection of the existing trees along the eastern boundary shall also be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

5. Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, the stone boundary wall along site frontage to be retained, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The single vehicular access from Claremont Road serving the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. 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.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity

10. 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 and traffic management measures and management of construction/demolition waste.

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

11. 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.

12. 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.


Michelle Fagan

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 21st day of July 2021.

