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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0094**

**Appeal** by Nael G. Bunni of 'Bearna', 42 Thormanby Road, Howth, County Dublin against the decision made on the 22<sup>nd</sup> day of March, 2021 by Fingal County Council to grant subject to conditions a permission to Denis Walsh care of Keenan Lynch Architects of 4 Herbert Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a single storey split level detached dwelling to the rear of the existing house at 'Federico', 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 design and scale of the proposed development, to the provisions of the Fingal Development Plan 2017-2023, including the residential zoning objective for the site, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character or amenities of the Howth Special Amenity Area, would be acceptable in terms of traffic safety and would constitute an acceptable form of development at this location. The proposed development 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 to the planning authority on the 12<sup>th</sup> day of November, 2020 and the 23<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 the materials, colours and textures of all external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

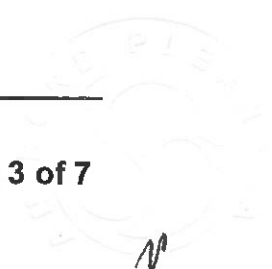
**Reason:** In the interest of visual amenity.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

4. 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.



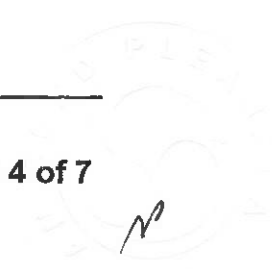
5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

6.
  - (a) Prior to commencement of development, details of the tree protection measures to be incorporated during the construction phase shall be submitted to and agreed in writing with the planning authority.
  - (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees to be retained have been protected by the agreed protective measures.
  - (c) A suitably qualified arboricultural consultant shall be retained to supervise works and all tree protection measures to be carried out.

**Reason:** In the interest of visual and residential amenity.

7.
  - (a) The landscaping scheme shown on drawing number FH.01-021 received by the planning authority on the 12<sup>th</sup> day of November, 2020 shall be carried out within the first planting season following substantial completion of external construction works.



- (b) 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.

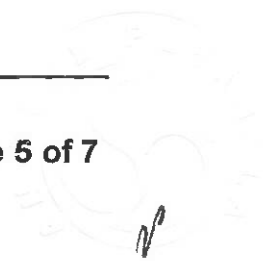
**Reason:** In the interest of visual amenity.

- 8. 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 interest of public safety and residential amenity.

- 9. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security as may be agreed with the planning authority to ensure that the trees proposed to be protected are maintained in good condition and protected during the course of construction of the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory protection of the trees. The security to be lodged shall be as follows -

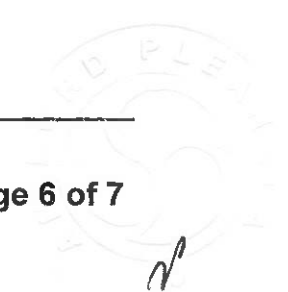
- (a) an approved insurance company bond in the sum of €5,000 (five thousand euro), or



- (b) a cash sum of €5,000 (five thousand euro) to be applied by the planning authority at its absolute discretion if the trees are not protected to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure that the trees proposed to be protected are maintained in good condition and protected during the course of construction of the development.

10. 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.

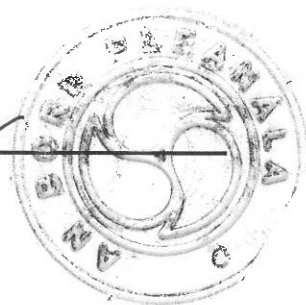
*Terry Prendergast*

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 11<sup>th</sup> day of August 2021.