



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0085

Appeal by Orla Boylan care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 14th day of April, 2021 by Fingal County Council to grant subject to conditions a permission to Donal and Deirdre MacNally care of Tierney Haines Architects of 29A Brookville Park, Deansgrange, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed demolition of single storey dwelling (94 square metres), construction of new two-storey three bedroom dwelling (194 square metres) with roof terraces to front and rear, along with construction of new enlarged front entrance with boundary walls (northern, eastern and western) to be rebuilt to existing height. The development includes all associated site works and associated engineering works at 14 Harbour Road, 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, design and scale of the proposed development, which consists of the demolition of an existing single storey detached dwelling and its replacement with a detached two storey house on a site zoned 'TC – Town Centre', which has an objective of protecting and enhancing the special physical and social character of the town and district centres and/or improve urban facilities, 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 Development Plan 2017-2023, and with the zoning objective for the site and would not seriously injure the residential or visual amenity of the area or the amenities of properties in the vicinity of the site. 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, 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:

The roof structure that projects above the first-floor level parapet level shall be omitted and the roof treatment revised so that it does not exceed the said parapets 10.70 metres height in drawing number 207 (Proposed Elevations SE and SW Plan). The amendments shall include a reduction in the height of the chimney stack.

Revised drawings showing compliance these requirements 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. (i) No areas at first-floor level and roof level of the proposed dwelling, other than the front and rear terraced indicated in drawing number 203 (Proposed First Floor Plan) shall be used as terraces.
- (ii) Prior to commencement of development, the developer shall submit revised plans and drawings which demonstrate provision of a 1.8 metre high opaque screen at the southern side of the first-floor rear terrace for the written agreement of the planning authority.
- (iii) The specification and planting of the sedum roofs shall be subject to the written agreement of the planning authority with access to these flat roof areas only permitted for maintenance purposes. At no time shall the flat roof sedum areas to be used as an area of additional open space for occupants of the proposed dwelling.

Reason: To protect the residential amenities of adjoining property.

4. All bathroom/en-suite/WC windows shall be fitted with obscure glass only and shall be permanently maintained with this type of glass. The use of film is not acceptable.

Reason: In the interest of visual amenity.

5. All external finishes of the proposed development 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 dwelling hereby permitted shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended.

Reason: In the interest of residential amenity.

7. The landscaping proposal shall be as indicated in the submitted Landscape Design and shall be carried out and completed before the end of the first planting season following the occupation of development. Any plant failure shall be replaced within the following planting season until such time that these plantings are established.

Reason: To facilitate the integration of the proposed dwelling into the landscape within a reasonable time period, in the interest of the proper planning and sustainable development and in the interest of visual amenity of the area.

8. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of these arrangements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

10. (i) The developer shall ensure unimpeded access to Harbour Road at 'The Dorn' (the adjoining laneway) during the demolition and construction phases of the development hereby permitted. The public road and adjoining laneway shall not be used for the storage of materials or the parking of delivery and service vehicles/trucks.
- (ii) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.
- (iii) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the Council the cost of making any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

11. The following requirements in relation to access for the permitted development shall be carried out in full:
- (i) The width of the entrance piers shall not exceed four metres.
 - (ii) The kerb and footpath to the front of the permitted dwelling shall be dished to the satisfaction of the planning authority.
 - (iii) All stormwaters shall be disposed of to soak pits or drains within the site and shall not discharge onto the public road.
 - (iv) 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.
 - (v) The footpath/kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
 - (vi) All gates (both pedestrian and vehicular) shall open inwards to the site.
 - (vii) All the above works shall be carried out at the developer's expense according to the specification and conditions of the planning authority.

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

12. 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.

13. The demolition and construction of the development shall be managed in accordance with a Demolition and 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 management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of visual amenity.

15. 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

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Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 13th day of August 2021.